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Education Committee
March 05, 2007

[SHOEMAKER LB193 LB353 LB529 LB615 LB653]

The Committee on Education met at 1:30 p.m. on Monday, March 5, 2007, in Room 1525 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB653, LB353, LB615, LB529, and LB193 and gubernatorial appointments. Senators present: Ron Raikes, Chairperson; Gail Kopplin, Vice Chairperson; Greg Adams; Brad Ashford; Bill Avery; Carroll Burling; Gwen Howard; and Joel Johnson. Senators absent: None.

SENATOR RAIKES: Good afternoon and welcome to this hearing of the Education Committee of the Nebraska Legislature. We are pleased you could be here this afternoon. We are going to hear five bills, but before that we will have a confirmation hearing. I think soon the members of the committee will...yeah, they are fading in. So let me introduce them to you, and I will just introduce the spots if they don't happen to be here yet. Some are off introducing bills in other committees. To my far right will be our legal counsel, Tammy Barry; Senator Brad Ashford is from Omaha; Senator Gwen Howard is also from Omaha; Senator Carroll Burling is from Kenesaw; to my immediate right is Matt Blomstedt, our committee's research analyst; I am Ron Raikes, District 25; to my immediate left will be Senator Gail Kopplin, Vice Chair of the committee and from Gretna, Nebraska, I guess Nebraska is maybe redundant; Senator Greg Adams from York, Nebraska; Senator Joel Johnson, Kearney, Nebraska; Senator Bill Avery from Lincoln, Nebraska; and our committee clerk, Kris Valentin. We will continue to use the light system, as many of you are accustomed to by now. As you come to testify, we will turn on the green light, that will be on for two minutes and then there will be a yellow light for a minute, and then a red light, which hopefully will signal you, but sometimes...it works, sometimes. We will have the introduction followed by proponent testimony, opponent testimony, neutral, and then a close by the introducer if desired. Please disarm your cell phones however you think is appropriate. One other thing I will mention, fill out one of the little forms that says who you are and put it in the box as you come to testify. Also, as you begin your testimony please state your name and spell your last name for us. That is for purposes of transcription. So I think with that we are ready to begin. And we will begin with the confirmation hearing, and is Richard Shoemaker...there he is. Come on up, Richard. Welcome. [SHOEMAKER]

RICHARD SHOEMAKER: Thank you. [SHOEMAKER]

SENATOR RAIKES: Richard, you have been appointed by the Governor to serve on the Nebraska Educational Telecommunications Commission, I assume you know that. [SHOEMAKER]

RICHARD SHOEMAKER: Right. [SHOEMAKER]

SENATOR RAIKES: But we would like to have you tell us a little bit about yourself and

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your interest in this particular role. [SHOEMAKER]

RICHARD SHOEMAKER: Sure. My name is Dick Shoemaker, S-h-o-e-m-a-k-e-r. I am from Cambridge, Nebraska, and I run a communications company, a diversified communications company called Pinpoint Communications. I also was a public school teacher for seven years, and I was one of the original appointees of the Excellence in Ed Council, which was in the beginning gave lottery money to schools. And so the ETV Commission is a place of interest to me because it really represents one of the best networks across the county. The state of Nebraska needs to be applauded for that. [SHOEMAKER]

SENATOR RAIKES: Okay. Thank you, Richard. I should point out that the term involved here is from October of 2006 to January of 2010, and this is your first stint on this. [SHOEMAKER]

RICHARD SHOEMAKER: Correct. That is correct. [SHOEMAKER]

SENATOR RAIKES: Okay. Do we have any questions for Mr. Shoemaker? Let me ask you this, you are in a private business that I guess is in a related field at least. How does your operation as a private businessman or your activity interact with what this telecommunication commission does? [SHOEMAKER]

RICHARD SHOEMAKER: Oh, I suspect a lot of. As a matter of fact, I think the ETV rents a couple of tower spaces from us out in the western part of the state. Also, I own a fiber network between Chicago and Denver, and I happen to think that in the future there needs to be more bandwidth across the state, and ETV at some point will have to figure out some kind of a terrestrial network on a fiber-based. Satellite would just be too expensive because of the bandwidth would be too expensive, I think a lot. [SHOEMAKER]

SENATOR RAIKES: Okay. Well I don't see any other questions, but we do thank you for being here today and also thank you for your interest in serving this position. [SHOEMAKER]

RICHARD SHOEMAKER: You're welcome. Thank you. [SHOEMAKER]

SENATOR RAIKES: Is there any proponent testimony for this confirmation? Any opponent testimony? Neutral testimony? Okay. That will close the confirmation hearing for Richard Shoemaker, and we will move on to our first bill. Okay. Carroll or Gwen, would one of you guys are going to have to... [SHOEMAKER]

SENATOR HOWARD: Can you do it?

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SENATOR BURLING: Yeah.

SENATOR HOWARD: Okay. Go ahead. Thank you.

SENATOR BURLING: Okay. Senator Raikes to introduce to us LB653. Senator Raikes.

SENATOR RAIKES: Thank you, Senator Burling and members of the committee. Maybe it is obvious that we are wearing down this late in the session, but I think actually that is not the case. I think most people are just simply occupied in other committees at the moment. Ron Raikes, District 25, here to introduce LB653. I want to introduce this by first providing you some background on this issue. In 1998, I believe it was, the Legislature through the Education Committee enacted a bill to require a statewide test, the issue here was a student accountability and there was a proposal to have a statewide test. At that time, the Governor vetoed the funding for that test, so the proposal came back to the Legislature the next year to be revisited. There was still quite a bit of interest in a statewide test, but there was also interest in a different approach to the issue of accountability centered around classroom-based assessment. So the committee, and I can't remember well enough to tell you exactly what was advanced from the committee, but I can tell you at least from my memory something about what was discussed on the floor on this issue. In effect, you had those interested in a statewide test and those interested in classroom-based assessment. And so the process on the floor involved coming to an accommodation or an agreement involving both of those extremes, or ends of the spectrum would be a better word. The compromise, as I understand it, was that we would have a single test in writing that would be administered every year and graded on a statewide basis. On the other subject areas, reading, mathematics, and eventually social sciences, if I have all of them, I think there are four others or five others, that would be handled in the following manner. The first year, there would be classroom based assessment and tests would be developed and evaluated based on what was prepared and developed in school districts and submitted to a state level. After that first year a group of experts would select the best of those tests, narrowing it down to no more than four model tests, and then after that in the relevant subject area at the relevant grade level, school districts would have a choice among those no more than four model tests. There is a section, and I am using this Performance Audit Committee report, which I think all of you have got a copy of, maybe you haven't had a chance to look at it. But as regards to the legislative history, they took a section of the floor debate. Then chairperson of the Education Committee Senator Ardyce Bohlke described how the process would work for the subject of reading. She said, and this is a quote, "every school district would be allowed to develop their own assessment in reading. At the end of the year, all those reading exams would be turned into a national institute that does testing. They would review those, and they would come back with a recommendation of the four tests in the state that would be the best tests. From thence forward, schools would select one of those tests so there would no longer be the possibility of 150 or 200 tests or exams,

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there would be the possibility of 4." All right. So that is from floor discussion and consistent with what I remember of the discussion at that time, and this would have been 1999-2000 something in that range. Okay. Well, here we are going into 2007. It seemed to me reasonable, given that this was a important departure for the Legislature in terms of accountability and testing and assessment and so on, that it was a good time that we take a sort of mid-course look at this program and its results, its implementation. With a couple of goals, one of them understanding where we are. Another one what has gone well? What maybe has not gone well? What, if any, changes should we make? Now, I don't think it is customary practice for me to admit this, but I was the one who requested the performance audit section to look at this issue and, again, those were my reasons. I think it is important, as I suggested to them in my request, that they look at two things. One of them is the statutory requirement versus the actual practice, and the other one at the time, and I don't think it is as much of an issue now, there was some concern about whether or not Nebraska would be approved for the No Child Left Behind federal legislation and possibly suffer impacts from if they weren't. Okay. So the Performance Audit did in fact select this program. They did an evaluation or an audit. They prepared a report, like I say, which you have, and by the way I think they did a very thorough and complete job. Given what I have found out really from their work and also from observation, a couple of things I would point out. If you look at actual practice as compared to what I remember the floor discussion and what the intent of the Legislature was, there is an important difference. We do not have four model tests, in my opinion. Well, I think the department would agree with that. We instead have, or their interpretation instead has been that there are what they term model practices, which I would judge to be guidelines for developing a test. And so instead of there actually being four tests, what they did was took six guidelines, and they developed four alternatives that a school district could use to meet those guidelines. So you have sort of 24 possibilities for a guideline for developing a test, but not a model test. So my opinion, at least, and I think I am in agreement with the audit group on this, that that is at variance with what the intent of the Legislature was in the year 2000 or whenever it was. To go on a little bit further, in terms of evaluating where we are given the audit's report and other, I guess, as you know we have had an opportunity to hear the commissioner speak about STARS and its features and so on. My evaluation at this time based on all those things would be number one, there appears to be confusion about the meaning of terms. There appears to be confusion as to what an assessment it, what a test is, what a model test is, and that sort of thing. Perhaps enough confusion that there is a legitimate difference in interpretation of what the statute actually requires, but, again, my view is I think that the Legislature was very clear in legislative intent at the time as to what it wanted to happen. I think the system has been very effective in professional development of the teaching staff. I think there has been as a result of the way the practice that has been in place you have had teachers becoming much more aware of testing procedures, and also of the state standards, and of what they are required to do in the classroom regarding those state standards. I would rank it much lower in terms of accountability, in terms of reliable measures of student performance,

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changes in student performance over time, and the like. If you go to the web site, I will tell you I think it is a very well done web site. There is a lot of information on there. The question is raised, just for an example, of well, how do you do any sorts of comparisons among schools. Say you are a new parent, or you are new resident of Nebraska, you have got school-aged children, how do you compare schools? There is a listing entitled "30 Easy Steps". Now this sounds like a state aid formula. It is actually not. But what you do is sort of blow by blow go through every item in that web site, which, again, is good information. But in terms of any sort of a rational consolidation of that information to lead you to a particular answer, that part is not there. So, again, I think it is had some very good effects in terms of professional development of the teaching staff, in terms of student accountability or the ability of citizens to have, either for their own children or other children as taxpayers in the school system, to know exactly how we are progressing, I think it is much less effective. What this bill does, the one you are looking at now, is a couple of things. One, to limit or end, I hope, the confusion. Terms are defined so that we go forward with definitions in the statute that I think are very readable and understandable. The second important thing that it does is that we move forward. There is not an effort here to say well, you didn't do what the Legislature wants, therefore there is this punishment or something like that. It does none of that. What it simply says is we got to here how we got to here. But now as we go forward, this is what we do. And what this bill proposes is that as we go forward we move to the system where, in fact, we do use four model tests in each of the subject areas that are the subject of our examination. Quickly, I will try to highlight for you a couple of things that I have heard and perhaps you will hear in the way of criticism of this approach is that number one, this is a single, statewide, high-stakes test. It is obviously not that. It is not a single test. It is multiple tests. School districts do have choice, and there is not a high stakes component of this. By high stakes, I think, generally is meant the notion that if you are a teacher in a classroom and students in your classroom don't do well, well then your job is on the line or something like that. There is absolutely nothing in here that would suggest that. The second thing that you will hear is well, this is just rank ordering and rank ordering is not a good thing, in fact it is a very bad thing. Again, I think this provides uniformity but it does not provide rank ordering. In fact, I hope that it would allow people to come closer to making the sorts of comparisons they would find useful, but in terms of eventually ending up with 1-256 or whatever it is, that would simply not happen as a result of what is being proposed here. The third and very important point, we have wasted all of this time on our current system. You don't have to unlearn anything that you have learned. In fact, I think, everything that has been developed and that professional development has been considerable. I think every bit of that can be used in moving forward. After all, what we are talking about here is using the classroom based assessment as a base from which to develop model tests, and no doubt those model tests will need revision and updating as time goes by, and certainly the teaching staff can be heavily involved in that process and, in fact, should be very heavily involved in that process. Finally, I will mention the fiscal note. I was a little surprised by the fiscal note. There are some certainly legitimate areas on there that I would mention. First off,

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there is an increased expense for test scoring. If you are going to have tests that are scored on a statewide basis, that only seems reasonable to me that you would need to spend some more money on there. There is also a significant reduction in costs associated with new test dissemination, and I assume that has to do with a reduced time requirement at the local level for developing and disseminating new tests. There are some elements in there that I would question. There is an expense for developing or updating the standards. Really this is talking about an accountability. You know, if standards need to be updated they would need to be updated whether you are going to do this or not would be my point. There is also a considerable additional expense for peer review. There may be a good explanation for that, I just don't know what it is. I am not quite understanding why you would need to make a huge additional expenditure. The other thing I will mention, you know, and part of the work on the fiscal note was done by the Department of Education, and I would suggest to you, at least in my own mind, there is some question as to whether this is an aspirational fiscal note or one that is spelling out the bare minimum. And the reason I say that is a couple of years ago you will remember we had a bill that was tabbed CEEOSA, and I can't remember exactly the words in the acronym, but it was a bill that was strongly supported by the department, and that bill would have proposed spending \$25 million more each year in order to implement our current system. So by that token I suppose this is a bargain, although, as I say, there is at least in my mind at least some confusion as to how much of this would really be required and why, for example, you would count upgrading standards as a part of the expense here, even though I will admit that that is a process that needs to go on regardless of how you happen to do the assessment. With that, I will stop and if you happen to have any questions, try to answer them. [LB653]

SENATOR BURLING: Any questions for Senator Raikes? Senator Kopplin. [LB653]

SENATOR KOPPLIN: Yes, sir. Are you talking about using existing achievement test data or developing for new ones? In other words, are you talking about adopting existing, such as the CAT, or developing for? [LB653]

SENATOR RAIKES: I think I understand your question. If I don't, why steer me in the right direction. We now as a part of the accountability system use CAT, ACT, BDA. I thought I would try that one. [LB653]

SENATOR KOPPLIN: I am not familiar with that one, but that is okay. [LB653]

SENATOR RAIKES: And I would suggest that we would continue using all of that. I am simply talking about the part of the system that says that we do, in fact, have tests developed in individual classrooms, and instead of ending up with the result where, and these are the criterion-referenced tests, well the STARS tests. You know it better than I do. Instead of doing the number of tests that we do now, we would simply use that same procedure to develop four model tests. We would select among all the tests that

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are developed four model tests, which then any school district in the state could choose among in order to do their criterion-referenced assessment for that subject area and grade. So if we have got 3 grade levels, and we got 4 subject areas, so that is 12, so that would be 36 or 48 or whatever the...there would be that many different tests that would be made. But the procedures would not be to go out and develop the tests in a different manner. The tests that are developed now, the assessments that are developed now, are evaluated. And I assume, again, my read of the statute in remembering the floor discussion was that we were, in fact, going to have all of these assessments developed at the local level, they were going to be evaluated and from that evaluation, the best four would be picked out. That is really the only step I am suggesting here. [LB653]

SENATOR KOPPLIN: Okay, then I was trying to follow, you say it is not a ranking order, and yet isn't there something in this bill that suggest that it is? [LB653]

SENATOR RAIKES: Suggests that it is... [LB653]

SENATOR KOPPLIN: That it can be published as... [LB653]

SENATOR RAIKES: I will study that question. I don't know what it would be. If you go to the web site right now, you will find, for example on fourth grade math at your favorite school, say it starts with a G, you would... [LB653]

SENATOR KOPPLIN: Gering? [LB653]

SENATOR RAIKES: ...Gering, there you go...you would find on each of the standards, and there is like a half a dozen or ten, something like that, a statewide average percentage proficient, and then a school percentage proficient, and something else. I don't know. [LB653]

SENATOR KOPPLIN: Okay. [LB653]

SENATOR RAIKES: But you would have the same sort of result with this procedure, I think, in that regard is what is here. [LB653]

SENATOR KOPPLIN: All right. That answers my question. [LB653]

SENATOR BURLING: Any other questions? Senator Avery. [LB653]

SENATOR AVERY: I may have missed it, but I was wondering if there is anything in this bill that would allow for the measurement of progress? It seems to me that it focuses primarily on a measurement of achievement at a point in time, say 2008-2009. Do you think there is some value in looking at how students have progressed from a time, say

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five years ago, up to 2008-2009, and to be able to report that, yes, maybe the scores that we see in 2008 may not be as high as we like, but let's take into account how much progress has been made since say 1995? [LB653]

SENATOR RAIKES: It is an excellent point, and I think it is an absolutely essential component especially for policy makers. Now a parent may not have that much of an interest in how well students in the fourth grade eight years ago did compared to his or her fourth grade student this year. [LB653]

SENATOR AVERY: Right. For us it matters. [LB653]

SENATOR RAIKES: But in terms of a...it does. Absolutely. [LB653]

SENATOR AVERY: And for teachers and administrators. [LB653]

SENATOR RAIKES: We need to know what programs work, where the value added is, where it isn't. And I guess the one thing I would say in that context is that that sort of data is going to be useful only, or certainly much more useful, if these are comparisons. If they happen to be proficiency numbers that can be depended, that there is some way that you have a reason to believe that a proficient score in one situation, a student with certain demographic characteristics, for example, in a certain program can, in fact, be compared with a student in another program. [LB653]

SENATOR AVERY: And we would want to do that within schools, within districts, within the nation. [LB653]

SENATOR RAIKES: Well, I think as far as the state is concerned, and this gets us into the topic of the student information database, we absolutely need individual student information that has reliable achievement performance indicators in it if we are going to have a shot at getting useful results on that kind of information. Now I am certainly going to tell you that we are not going to disclose anybody's results. [LB653]

SENATOR AVERY: Name, no personal information. No, but we would have numbers that would compare with national numbers, we would have numbers that would compare statewide, within the districts. [LB653]

SENATOR RAIKES: Frankly, some of the numbers would be compared nationally. If you used the nationally norm-referenced tests, those would be, and that would be the CAT and M-something. Those kinds of tests. ACT would be another one. The STARS tests where we are using criterion-referenced tests to judge students performance against Nebraska standards, then those wouldn't be useful in making comparison against Iowa or China. But they would be within the state. [LB653]

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SENATOR AVERY: Am I right in my understanding of STARS that it currently does not allow for this kind of comparative analysis, that with STARS we can't compare one school with another, one district with another within the state? [LB653]

SENATOR RAIKES: Well I think you will hear of differing view on that. My impression would be that those comparisons are possible but would be enhanced if we did, in fact, move to four model tests instead of...now, does that mean we are going to rank order? No, I don't think it does. But I do think it is important that if you have got, as I said before, you have a student in a situation that scored at a particular level that there is some reliability in comparing that with another student in a different school or whatever that had maybe the same or a different program, and statistically you can do that sort of thing. [LB653]

SENATOR AVERY: Do we have statewide standards? [LB653]

SENATOR RAIKES: Yes, we do. [LB653]

SENATOR AVERY: Would it make sense then to have a statewide testing procedure? [LB653]

SENATOR RAIKES: Well, we do have a statewide test in writing, and so I think it has been proven, not by me but by people much more competent than me, that you can certainly do a statewide test because they have done it and done it very well. And I think to some extent that could be a model for what is done in the other subject areas, but it need not be exactly the same. I do think though that instead a single test, as we do in writing, that four model tests would be a reasonable compromise. That was the judgment of the Legislature the last time we seriously looked at this question. [LB653]

SENATOR AVERY: Thank you. [LB653]

SENATOR BURLING: Senator Kopplin. [LB653]

SENATOR KOPPLIN: I am still thinking about this comparison, and on page 6 in the bill, (d) on page six says, "provide for the comparison among Nebraska public schools and the comparison of Nebraska public schools to public schools in the nation and the world." Criterion tests developed by classroom teachers wouldn't give you any kind of a comparison nationally. So that leaves you to just an achievement test which may or may not have anything to do with the standards Nebraska set. Is that a fair analysis? [LB653]

SENATOR RAIKES: I think that that is basically copied from what is in current statute, if I am not mistaken. So that is what we currently require, and the reason it is here is new language, and that is maybe what is confusing is that I mentioned to you, whatever has happened up to now has happened. We are not going to go back and criticize, punish,

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anything else. We are simply going to say from here forward, this is what we are going to do. So I can't verify that. I can't read quickly enough to see that, but I think that is basically a part of current statute that we are simply extending into the new era. [LB653]

SENATOR KOPPLIN: Okay. Thank you. [LB653]

SENATOR BURLING: Any other questions? Senator Avery. [LB653]

SENATOR AVERY: I have to ask one more question. We thought we had clear intent before, but we didn't get a clear result. How is this going to produce what the last attempt did not produce? [LB653]

SENATOR RAIKES: That is a good question, and my belief is that by clearly defining some terms and specifying procedures that... [LB653]

SENATOR AVERY: The assessment definitions? [LB653]

SENATOR RAIKES: Right, right. [LB653]

SENATOR AVERY: And the instruments, too? [LB653]

SENATOR RAIKES: Right, that is in Section 2 there. [LB653]

SENATOR AVERY: Yeah. I have no more questions. [LB653]

SENATOR BURLING: Okay. Any other questions? If not, thank you, Senator Raikes. We invite the first proponent of LB653. I would remind you folks in consideration of those following you to watch the light and wind up your testimony as soon as possible after the red light goes on. Proponents. [LB653]

ANDREW RIKLI: Senator Raikes, members of the Education Committee, greetings from District 66. My name is Andrew Rikli, R-i-k-l-i, and I am the director of assessment for Westside Community Schools. To start, we do not believe that LB653 is a perfect solution to our issues today, nor do we believe that STARS is without merit. As Senator Raikes pointed out, it has a number of very redeeming qualities, including its staff development component as well as its school improvement qualities. That said, the shortcomings of STARS in the area of general accountability have prompted us to come to you today in support of LB653 and in our estimation, greater accountability. We have identified at least three fundamental issues with Nebraska's current testing model. The first is comparability, which has already been discussed. With Nebraska's current model there simply is not way to make a meaningful comparison between district a and district b. The other issue is regarding rigor, which was not really discussed. The way Nebraska's current model is set up, districts have the ability to establish different

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passing scores. District a may establish a passing score of 60 percent, for example, while another district may establish a passing score of 75 percent. That, in our estimation, is inequitable and it is also misleading. The second issue is cost, both in time and money. The amount of money that Westside, for example, receives is approximately half of what it takes to actually implement STARS. The amount of time that it takes for teachers and administrators is likewise staggering. In our opinion, teachers' time is better spent in analyzing student data rather than using their time to make sure the tests meet arcane statistical standards. The third issue is consistency of results. The number of students in Nebraska who are scoring proficient on local reading and math assessments has climbed from 2001 from approximately 75 percent to approximately 84 percent in 2006. When you look at our national assessment results, specifically the ACT in the national assessment of educational progress, those scores have been essentially stagnant. When you look at those tests, the argument will be made that they measure different things, and there is truth in that. But the question arises, are these gains we are seeing on the local assessments real? You will also hear concerns about rank ordering, and Senator Raikes, I think, is very rightfully concerned with that. The truth of the matter is, committee, we are already rank ordering our schools. I would ask that you open up the state newspaper, from Omaha to Scottsbluff, after the state report card is released you will see a pecking order of schools. The problem is, absent a uniform means of measuring student, they are using bad data. So we would posit this, if we are going to rank order our schools, and clearly there are groups that are motivated to do that very thing, do we not have a professional and ethical responsibility to assure that those comparisons are made with the best data possible? And the great irony, of course, which has already been mentioned is we are already using a statewide test in writing. And I have yet to hear a compelling argument why writing is an acceptable due course of study for a common assessment, yet reading and math would be unacceptable. I would leave you with this. Whether we wish to acknowledge it or not, there are people in this state that would like to see a common method of assessing and reporting students. There are those who will say that this great cry of resistance that I suspect we will hear comes not from student welfare but from a fear of greater accountability. Let's send our state, our country, and most importantly, our students a very clear message: We are not afraid of greater accountability in the state of Nebraska. Please support LB653. [LB653]

SENATOR BURLING: Thank you. Any questions? Yes, Senator Adams. [LB653]

SENATOR ADAMS: As these hearings progress today, I am going to start by prefacing my remarks with this: Teachers have to assess. Whether we want to or not, we have to assess or we have no idea where we are going, with a school, with a kid, it doesn't matter, and assessments have to be designed in such a way that you were truly measuring what it is that you want to accomplish and every kid is different, every school is different. But I also have terrific concern having come from the classroom about the time. Time away from students, time from eyeball to eyeball contact, teacher to student,

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that this process has taken so far. Now I am not ready to throw out the testing system. That is not it. But I have got some questions I am going to ask, and I am going to ask of you. I should be asking of a teacher and if one comes up here I am going ask. If we go to a model. We pick these four models and we do what the bill is suggesting, in your professional opinion are we going to have a revolution amongst teachers or are we going to be in a position where we really start getting teachers back in the classroom with kids? What is your professional opinion? [LB653]

ANDREW RIKLI: Thank you, Senator. I think it is a very legitimate question. I would suggest at the risk of offending some people, a little revolution from time to time is not such a bad thing. In terms of how much time would be spent, I suspect that would look different in each of the 256 some-odd public school districts in the state of Nebraska. If you added another layer of assessment on top of what is already there, would there be an additional time component? I would say a resounding yes. I would suggest that perhaps these tests, one or more of them, might take the place of current assessment that are already in place. In which case, at worse, is probably a wash. But the issue of time is a critical component, no doubt about it. [LB653]

SENATOR ADAMS: Senator, may I follow up? [LB653]

SENATOR BURLING: Yes. [LB653]

SENATOR ADAMS: All right. Speak more specifically to your school, Westside. Will this save time? [LB653]

ANDREW RIKLI: I think we would have to take a hard look at the instruments that were chosen, Senator. If we felt, frankly, that the instruments that were chosen from the four models, for example, that were equal to or superior to our own assessments, I think it would be fair to say we would adopt those and perhaps shed some of our assessment that are currently in place, potentially saving ourselves time. We feel very confident about the level and the quality of assessment that we have. In which case, if we didn't feel like they were better assessments, it probably would be an added layer and it may take more time. [LB653]

SENATOR ADAMS: Thank you. [LB653]

SENATOR BURLING: Any other questions? Senator Kopplin. [LB653]

SENATOR KOPPLIN: So what I am hearing you say you are in favor of this bill so that we can have four legitimate tests or however you want to rank it. But you would want to make sure that they were as rigorous as yours. Would not every school in the state be feeling the same thing, that the one they are using now is the one we ought to be using? [LB653]

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ANDREW RIKLI: I think that is a fair statement, yes. [LB653]

SENATOR KOPPLIN: So then we aren't getting anywhere. [LB653]

ANDREW RIKLI: My ultimate aim in testifying today, and as I said at the onset, I don't believe that LB653 is perfect. At the very least though, I think it starts the dialog, something that has been absent the last six years in my humble estimation. In my aim, the best solution to the issue at hand is a common metric, a statewide test as we have in the area of writing. We don't have it with LB653 the way it is currently written, and I think that is the direction that we need to go. But I see this as a healthy way to start having that discussion so we can get where we need to go. [LB653]

SENATOR BURLING: Any other questions? If not, thank you very much. [LB653]

ANDREW RIKLI: Thank you. [LB653]

SENATOR BURLING: Next proponent, please. Anymore proponents? Opponents? [LB653]

LESLIE LUKIN: Good afternoon. My name is Leslie Lukin, L-u-k-i-n. I currently serve as the director of assessment, evaluation and research services for ESU 18. Just to give you a moment's background, I actually have earned a Ph.D. in educational measurement, applied statistics, and cognitive development and have spent the past 20 years working in the field, specifically of educational measurement. I serve right now as an elected member of the National Organization for Educational Measurement, the national council on measurement and education. So obviously I am a person that believe in assessment. But I have some real concerns about this particular piece of legislation. There are three issues I would like to raise this afternoon. One has to do with the underlying purpose of an accountability system and whether that purpose will be met with the language that is in this bill. The second piece has to do with the problems associated with identifying four model assessments or tests that would need to be then adopted by each of the districts in the state. The final has to do with maintenance of the assessments themselves, which is critical because that is what guarantees ongoing quality in the assessment system. First of all with regard to purpose, if we talk about accountability I believe that the ultimate purpose of any accountability system is the learning of the students in the public schools. We know based on a rich history of research in this country and across the seas that the types of assessment that best support increased student learning or assessments that are most closely aligned to the instruction that takes place in classrooms. Assessments that for all intents and purposes are seamless with the instruction that is being provided, that provide timely feedback and are measuring the things that we want to measure and providing students and teachers with the information that they need in order to make

sound decisions for students their own learning and for teachers the education of their students. Currently, the classroom assessment system, I think, gets us closest to that kind of assessment, and therefore we have the greatest possible outcome in terms of increasing student learning. To move on for just a minute, the problems associated with the four models. We talk about the quality of assessments. We talk about the ratings that are provided by the external experts. The problem is that the elements or the criteria associated with quality, reliability and validity that most measurement people talk about, isn't an attribute of the test itself. It is an attribute of the test as it is implemented in the context of instruction and how it is scored and used. So to say that you can pick the best four tests and say that they are the highest quality test is really a misrepresentation of the situation. Then if you talk about having assessments that weren't just designed to be aligned with the state standards but aligned with the curriculum instruction and then begin to try to take those and put them into different settings with different curriculum and different instruction, you end up with a misalignment, which ultimately, I think, can do harm to student learning. I know I am over time but if I could say one more thing briefly, maintenance of the assessments. If you were to select, for example, assessments that are used by the Lincoln Public Schools, who then would become responsible for the maintenance of those assessments? Most of them require a fair amount of training in order for them to be administered properly, and certainly training for them to be scored in a way that is reliable and valid. Who, then, is responsible for that training? The district that developed the assessment initially or the state itself? Any assessment instrument needs to be revised in an ongoing basis in order to maintain quality and provide information that is useful to the educational process. Who is then responsible for the revision? Revisions are normally based on changes in curriculum and instruction. You have changes in curriculum and instruction taking place all across the state in different districts on different time lines. So it becomes a very untenable situation rather quickly when you get a year or two out from looking at adopting those four models of assessment. So those are just, I think, a couple of the issues that I have with the current model that is being proposed. And I am sorry I ran over. [LB653]

SENATOR BURLING: Well, thank you for your testimony. [LB653]

LESLIE LUKIN: Sure. [LB653]

SENATOR BURLING: Are there any questions for Ms. Lukin? Yes, Senator Avery. [LB653]

SENATOR AVERY: The previous testifier ended his testimony by saying what we really need is a single test for the whole state. I take it you don't like that idea? [LB653]

LESLIE LUKIN: I will have to tell you I have worked in other states and I have worked in a state where we did have single assessment. The problem is if you focus on student

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learning and what your assessment is going to do for student learning, and I believe that is our bottom line here in Nebraska. The single assessment doesn't do much for you in terms of supporting student learning, and that would be my major objection to that. Yes. [LB653]

SENATOR AVERY: But it can tell you how well you are doing. You can measure your progress and then you can draw the conclusion you are either doing well or not doing well and then you can apply that to the classroom. [LB653]

LESLIE LUKIN: It only measures progress generally and in a very global sort of way that usually does not give you very diagnostic information that allows you to go back and do the kinds of educational planning that you need to do in order to support student growth and movement in the right direction. They are just not very timely. They aren't very comprehensive. They are not very diagnostic. The information when you receive it back is usually at a much later point in time than the instruction was offered, and for all of those reasons we know historically that that kind of assessment, while it might give the public a measure to look at, doesn't do much in terms of student learning. [LB653]

SENATOR AVERY: Well we have ACTs. [LB653]

LESLIE LUKIN: We do. [LB653]

SENATOR AVERY: We have the SAT. We have the GRE. We have the MACT, and they are used widely. [LB653]

LESLIE LUKIN: Right, but they are not used to support the instructional process. They are used for placement decisions primarily. [LB653]

SENATOR AVERY: They are used to measure raw material, raw talent. [LB653]

LESLIE LUKIN: The ACT and the SAT were developed primarily to try to identify those students who are most likely to benefit from a college education or who would be successful in that setting. They weren't meant as a measure of educational achievement. They weren't meant as a measure that would give you outcome data that would allow you to make judgments about educational programs. And I actually serve on the SAT advisory committee, the national committee, so I work very closely. And they are excellent tests for what they do. [LB653]

SENATOR AVERY: But if you have a student that scores x on y exam and that doesn't meet some standard that has been set by the school or by the state, it seems to me that the diagnosis is that we need to work with that student. That student needs help in this subject. You are making it much more complicated than it seems to me to be. [LB653]

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LESLIE LUKIN: Well I think it is more complicated because the problem is, for example, if you were to take, let's talk mathematics for just a moment, and you had a student that had a percentile rank, which is usually the kind of score that you would receive on those sorts of tests. And let's say their percentile rank was a 72 for a moment. And let's say that your criteria or your cut score for determining proficiency, which you don't normally do with a norm-referenced test, but let's say for a moment that you did, let's say it was 70. So you would say on one hand that this student has met and is proficient. But I would say to you on the other hand, yes, but you don't know very much about where their areas of strength were, where their areas of weakness are, and in terms of helping that student to continue to grow and progress, which is our goal, whether or not a student is already deemed proficient, it doesn't allow much information for either the student in terms of planning their next steps or for any kind of educational system that that student might be in, in terms of planning what should be the next steps. So don't misinterpret me. I think those tests have value, but I don't think they do much in terms of a continuous school improvement model where the focus is on the learning of individual students. [LB653]

SENATOR AVERY: What do you think about establishing benchmarks for schools in terms of achievement? Here is a benchmark. You have five years to get from where you are now to that point. [LB653]

LESLIE LUKIN: Are you talking benchmarks in terms of an actual score in a test, or benchmarks in terms of descriptions of student performance in a curricular area? [LB653]

SENATOR AVERY: I am talking about benchmarks in achievement... [LB653]

LESLIE LUKIN: Those are both benchmarks in achievement. Yeah. [LB653]

SENATOR AVERY: ...and now we get into...the way you want to measure that may not be way I want to measure that. [LB653]

LESLIE LUKIN: I think in any case I think benchmarks are a useful concept in education, and a critical concept because it has to do with the establishment of goals and making some judgments about whether or not we are meeting those goals. But I think the underlying issue is that twofold, number 1, the benchmark has to be made based on a solid understanding of the developmental trajectory of kids from kindergarten through grade 12 and understanding where they are in the journey in terms of where we want them to be at when they are finished. And then also predicated on having assessments that are aligned to that learning trajectory and provide useful, interpretable information that can be used then for planning instruction for students. [LB653]

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SENATOR AVERY: Just for the record though, you do think that measurement of achievement is important? [LB653]

LESLIE LUKIN: Absolutely. My life's work is in the area of measuring achievement. The disagreement is about what is the best way to go about doing that in order to support student learning. [LB653]

SENATOR AVERY: I spent 32 years in higher education and I have seen an enormous amount of resistance to changing things, and I am just wondering if maybe we might be hitting the wall on...or maybe I am running into some of the same kind of things I experienced over the past 32 years in a different level of education. But my reading of a lot of what I have heard over the past couple of months and what I have experienced personally is that administrations in schools really do value the status quo. They value the predictability and the stability of the status quo, and frankly I think this committee has come to the conclusion that that won't cut it anymore. [LB653]

LESLIE LUKIN: Well, and I would offer this then for your consideration. I think that what schools have done over the past two or three or four years has involved a tremendous amount of second order change, and to say that there is a resistance to change and a desire to maintain the status quo in the face of the reality that they have had to make tremendous changes over the last few years to actually implement a more classroom-based assessment system really doesn't completely make sense to me, I suppose. So I don't see this resistance of change because I think they have already embraced quite a bit of change. I see it as trying to focus on the purpose of supporting and maintaining student learning as opposed to simply looking at test scores. And this is from a person... [LB653]

SENATOR AVERY: But we are all seeking the same objective. [LB653]

LESLIE LUKIN: Absolutely. [LB653]

SENATOR AVERY: It is a matter of how do we get there. [LB653]

LESLIE LUKIN: Absolutely, and I would also make the comment, my degree is in educational measurement. If I didn't work K-12, I would work for a testing company, perhaps, like ACT or College Board. So I very much believe in educational measurement. I believe in standardized testing. But I also believe that that accomplishes some goals and purposes and not others. And I would make this comment too. I have children. I have children in the public school system, and so I feel very passionate about what supports their learning and making sure that we keep in place the mechanisms, the assessment tools, the philosophy that supports student learning and does not divert attention or resources away from that. So that is a personal note, a personal comment. [LB653]

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SENATOR AVERY: If I may, just one more question. [LB653]

LESLIE LUKIN: Sure. [LB653]

SENATOR AVERY: I had a conversation with a high official in the hierarchy of Nebraska schools about the value of the GPA. What do you think, what is the value of the GPA? [LB653]

LESLIE LUKIN: The GPA itself is an interesting measure because it depends in a large part on the classroom assessment and grading practices that are implemented by a teacher, and it is not an issue of just talking about what the grading scale is. Many people kind of get sidetracked by, well, what do we have a uniform grading scale. So trying to put a policy or guidelines into place that says 90-100 is an A, etcetera. The issue really has to do much more with the assessment that is used to generate the evidence that then is used to make a determination of what student learning looks like, which is then translated to a grade, and the grade then is incorporated into this numeric index that we call a GPA. And I think one of the things I have mentioned that I feel very passionate about as well, a grade should represent student learning and achievement, not other things. [LB653]

SENATOR AVERY: Well, but a GPA does include other things that are important, such as work habits and discipline and study habits. [LB653]

LESLIE LUKIN: Well, it can. [LB653]

SENATOR AVERY: Absolutely. [LB653]

LESLIE LUKIN: It can, but it doesn't have to, and I would actually recommend a system... [LB653]

SENATOR AVERY: No, it doesn't. Some students are very gifted and they don't have to study hard. They can do well and have a high GPA, but I have seen a lot... [LB653]

LESLIE LUKIN: Because it reflects their achievement. Yeah. [LB653]

SENATOR AVERY: ...I have seen a lot of students that had low standardized, say, on the GRE but they had a high GPA. What that tells me is the student may not have the raw material that maybe somebody else has but they have good work habits and they can make up the difference. [LB653]

LESLIE LUKIN: Perhaps. It also might mean that they weren't feeling very motivated on a single test that was administered on a single day... [LB653]

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SENATOR AVERY: Yeah. That is possible too. I won't hold the committee up any longer. [LB653]

LESLIE LUKIN: ...or there may have been some other issues. There is a million ways to get a low score on a test and there are far fewer ways to get a high score on a test in general, and I think we all can relate to that on a personal level. Yeah. [LB653]

SENATOR AVERY: Yeah, sure. Thank you. [LB653]

SENATOR BURLING: Okay. Senator Kopplin. [LB653]

SENATOR KOPPLIN: What would a model reading test for fourth graders look like? What would it contain? [LB653]

LESLIE LUKIN: Well, I think one of the first issues that you have to address if you talk about a model reading assessment is what kind of text do you want students to be able to read? So you can talk about genre. So are we talking fiction? Are we talking nonfiction? Are we talking some every day sorts of reading tests that people need to face? Once you deal with that issue, then you have to deal with the complexity of the text itself. So in order to say that we have something that we deem to be a fourth grade level text, you have to be very clear about what does that mean in terms of linguistic structure, in terms of vocabulary, in terms of the conceptual complexity of the ideas contained in the text. Once you have done all of that, then you can begin to even address the question of what do we want them to be able to do with the information once they have read the text. Then you begin to get into issues of are we talking literal comprehension? Are we talking inferential comprehension? What sorts of inferences do we want them to be able to draw? It really is quite complicated. So even there where it seems like reading assessment would potentially be pretty straight forward, there is an awful lot that underlies that. And we actually have something called text analysis where we can quantitatively and qualitatively evaluate the complexity of a text in terms of some of those dimensions I mentioned a moment ago. [LB653]

SENATOR KOPPLIN: One thing that has always piqued my interest on the present method of STARS is we use a percentage of students reaching proficiency, and many of these are well above 90 percent now. And yet we deal with at least 12 percent special ed students in school, and some way that just doesn't seem to balance out to me. [LB653]

LESLIE LUKIN: And I think what is absolutely critical when you talk about percents of kids being proficient. One thing that needs to accompany that piece of information is very specifically what does it take to be proficient? So a series of proficiency statements or a narrative that says proficient students can do x, y, and z in this context. I know in

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Lincoln Public Schools that is one thing that we do is we don't just talk about yeah, they are proficient or no, they are not. But we talk very specifically and try to talk in very accessible language. What does it mean to be proficient? So that a parent or a member of the community has a much clearer idea of what lays underneath that number in terms of the percent proficient. [LB653]

SENATOR KOPPLIN: Okay. [LB653]

SENATOR BURLING: Senator Ashford. [LB653]

SENATOR ASHFORD: In Lincoln, do you assess by building at all? [LB653]

LESLIE LUKIN: Variation across buildings? No. We have standardized the assessment across buildings. [LB653]

SENATOR ASHFORD: Can you tell building by building by building? [LB653]

LESLIE LUKIN: Absolutely. [LB653]

SENATOR ASHFORD: So in effect what this bill, I think, is addressing is an assessment by building so we can see in a learning community how each individual building is going. Let me just ask this... [LB653]

LESLIE LUKIN: Sure, absolutely. [LB653]

SENATOR ASHFORD: ...because you are obviously extremely proficient yourself... [LB653]

LESLIE LUKIN: Oh, thank you. [LB653]

SENATOR ASHFORD: ...in this topic, and there is no way that I can ask you a question that is going to be worthwhile except to ask this... [LB653]

LESLIE LUKIN: Okay. [LB653]

SENATOR ASHFORD: ...if we as a matter of policy decide that we want to assess a building's ability to educate a student, you could develop such an assessment tool, could you not? [LB653]

LESLIE LUKIN: I could, but I would certainly have to immerse myself in the curriculum and instruction. Yeah. [LB653]

SENATOR ASHFORD: Well after immersion, but I mean you could...I am not being

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skeptical. [LB653]

LESLIE LUKIN: No, I understand. [LB653]

SENATOR ASHFORD: I am being very straight forward. If we wanted to know what is going on building by building by building and we could include, and I think the bill reflects this and certainly some of the later bills do, reflect the fact that you take into consideration some of the variations within those buildings, you could devise such an assessment tool? [LB653]

LESLIE LUKIN: In theory. [LB653]

SENATOR ASHFORD: Theoretically. Okay. Thank you. [LB653]

SENATOR BURLING: Any other questions? Thank you for your testimony. [LB653]

LESLIE LUKIN: Sure. [LB653]

SENATOR BURLING: Next opponent, please. [LB653]

MADDIE FENNEL: (Exhibits 2 & 3) Good afternoon. My name is Maddie Fennell. I have taught for 17 years in the Omaha Public Schools and I have an endorsement in assessment, having completed the Nebraska Assessment Cohort at UNL. I am here to speak against the bill. First of all, we cannot limit the definition of assessment to a test. To say that an assessment equals testing is like saying that math is just addition and subtraction. Tests are but one means of assessment. Tests focus on finding out what a student knows at the end of a period of instruction. We all know about tests because it is something we all took in school. But assessment means watching a student give a speech, entering into a dialog about a book they have read or asking them to create an animal that shows three types of adaptation from their environment. Assessment is formative. It is an entire universe of options that I can draw on to try to figure out what is inside a kid's head. In my classroom, assessment can be seen in the difference between David and Raul. David did well on tests because he was a good test taker. He was good at memorization and knew how to regurgitate what he had learned. Raul was a special education student who spoke and wrote little English, so he didn't do well on tests. One day we were working on a lesson on motors. David couldn't figure out how to get his motor to work. Raul fixed not only David's motor, but went around the room teaching others how to get their motor started. Raul's skills wouldn't be valued in a test, but it was proven in a performance assessment, and which kid would you want fixing your car? Children today need to be creative problem solvers because the jobs they need to be ready for haven't even been developed yet. Whoever heard of a ring tone composer 12 years ago? But we are producing a generation of bubble fillers whose only focus is to do better than the person next to them, because these bubble tests are

norm-referenced tests. That means someone has to be first and someone has to be last. If you gave a room full of Harvard scholars or this committee a norm-referenced test, one of you would have to be first and one of you would have to be last. It is not about finding out what you have learned. It is about proving who is first. When I did my graduate work in assessment, I was amazed to find out that if all children get a question right on a test, like why did we start the Civil War, that question is thrown out. These tests are just a sample of student learning. Since they aren't written directly to local standards, they only address a fraction of what a child has actually learned. Yet they become so high stakes that the small sampling becomes their curriculum. Teachers define their teaching around the test. But in Nebraska we don't have that nightmare model. We have the STARS assessment, which values the educator as the authority in what children know and what they still need to learn. While LB653 is not a high-stakes test now, I don't believe that the resources will be available to support both the extensive professional development it takes to support STARS and to develop 48 model tests. The STARS process doesn't narrow the curriculum, it broadens it. I am not doing just one test on one day, I am doing assessments all year long. Since I assess the entire the curriculum, I know that I have taught all the standards. Now I know the process is arduous. I was one of the first people to complain what a pain in the neck STARS was. But then I found out that writing assessments determining scoring piloting, it is crucial to making me a better teacher. Easier isn't always better. As the Nebraska teacher of the year, I have the opportunity to attend conferences and speak with teachers throughout the country. When we talk about assessment, I am proud to tell them about STARS. They want to know more about what we are doing because good teachers know that STARS is about high-quality learning for all kids. We cannot start down the slippery slope of norm-referenced statewide testing. Rather than adopting a testing system that other states realize is broken, we need to stay the course and continue to be the mavericks in assessment reform. In Nebraska, we put kids first and have developed an assessment system that proves don't rank our kids because all of our kids can learn. And I would welcome questions. I also have two articles to share with you. One is about the NAEP and how it is inappropriately used to rank schools and to assess proficiency, and another one is written from someone outside of the state of Nebraska about our assessment system. [LB653]

SENATOR BURLING: Thank you very much. Are there questions? Senator Avery. [LB653]

SENATOR AVERY: You obviously don't like norm-referenced testing because somebody has to be first and somebody has to be last, but you also have other measures that you can use, such as the range. You can look at standard deviation off the mean, these sorts of things, to find out if you have various significant differences among first and last. Right? [LB653]

MADDIE FENNELL: Um-hum. [LB653]

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SENATOR AVERY: When it come to measuring performance by using standard tests, I believe, and you probably know more about this than I do, but there are ways in which you can determine what is a good question and what is not a good question. A good question would be one that differentiates among students according to their likelihood to score high on the test. For example, a high scorer on the exam ought to get x question right, and people who score low on the exam ought not to get it right. That is a good discriminating question, and there are ways to do this. So why would you reject these rather normal ways of measuring, and I am not saying you are specifically rejecting that but the norm-referenced test you don't like, and that is the kind of test that uses these measures that I was just talking about. [LB653]

MADDIE FENNEL: Thank you, Senator. I don't like the norm-referenced test in this context for two reasons. One, you mentioned words like standard deviation and differentiate that common people don't understand, and they just take tests like this and they look and they say, well, if kids there get a high score and kids there get a low score then that school is better than that school. But that is not necessarily true because they don't look at how much a student has grown over a period of time. There is not growth model involved in that. It is a one snapshot, one day, here is how this kid did on that one day, on a small sampling of everything the child has learned. And the questions on that test, they are used to differentiate and to say, for instance, the Civil War question, do you know about the Civil War? Well, I want every child in my classroom to know that, and I don't want to throw out a question that says, oh, well it didn't prove that you knew more than another child. I want to do things in my classroom that show that all the children have learned. True, some people might answer that question more fully than others. But I don't want to just prove what kids don't know. I want to prove what they do know, and I also find that norm-referenced testing doesn't help me become a better teacher. I like to use my assessments, and I am not just evaluating my students when I look at assessments, I am evaluating me. And when I saw over a period of time that my children weren't doing so well in outlining, I realized that wasn't about my children not doing well, that was about me not teaching it well enough, and I needed to go back and do a better job of teaching that. And because of the STARS process and because I was involved in developing that assessment, I understood that part of that was my problem. I don't believe that I would have that same faith in getting back a norm-referenced test. And also, those results don't come back in enough time for me to actually change how I am teaching and do better for my kids. Often you don't get those results back until the end of the school year or even until you have gotten the next classroom full of students. So it doesn't help me teach better. There is a place for norm-referenced tests, but unfortunately in our society we have made them the be-all end-all, and they shouldn't be. It should be criterion-referenced tests that should be the be-all end-all, and norm-referenced tests should be used for a small number of things. You know, it is fine if we want to do that because some kids can go to college and some can't. But we shouldn't be giving norm-referenced tests to every kid and expecting every kid to do well

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because not every kid comes to the table with the same number of skills and not every kid is going to come out at that same place. I teach in a very high poverty area, and I have kids who come in not knowing a lot of things that kids from middle class consider to be common because my kids haven't traveled because kids from poverty come in with half the language of the kids from middle class. And so how within three years are we expected to get them to the same place on that norm-referenced test, which is only a sampling of what they have done? However, under the STARS process, I give six to eight math tests, which is a good comprehensive showing of what my kids have actually learned and what they can and can't do and what I still need to get better at as well as my students do. [LB653]

SENATOR AVERY: But wouldn't you see some value in a norm-referenced test somewhere in this testing system so you will know how well you are doing compared to your cohorts in another school? [LB653]

MADDIE FENNEL: And we already have that built into the STARS process. We already those tests built in. Omaha Public Schools also gives the California Achievement Test as well as our criterion-referenced test as well as the fourth grade writing assessment. It is already built into the system. I am worried that we are going to divert the valuable resources towards identifying 48 more tests when I would rather take that money and teach 480 teachers to be excellent assessment experts in their own classroom and affect many children. [LB653]

SENATOR AVERY: Thank you. [LB653]

SENATOR BURLING: Senator Adams. [LB653]

SENATOR ADAMS: I am not sure how to ask the question. [LB653]

MADDIE FENNEL: Okay. [LB653]

SENATOR ADAMS: Because I am sitting up here reeling with frustration. When I used to hand out and administer CAT tests and Iowa Basics, they were a joke. Shouldn't have been wasting the class time on them. I would look through the questions. They had nothing to do with our curriculum where I was teaching, but there were always people that wanted to see the results in the kid's file, and me as a teacher. I would start the school year and I would say to the guidance office, I want you to pull these files, I want to see how the kids did. And I would use that as part and parcel of the total picture. [LB653]

MADDIE FENNEL: Sure. [LB653]

SENATOR ADAMS: So criterion-referenced tests, to me, make sense. What doesn't is

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the inordinate amount of time I see teachers spending on writing and rewriting and rewriting and rewriting to the point I got a stack of e-mails back in my office from teachers saying we understand the importance of assessments, we are okay with them, I don't know if I want to be a teacher anymore. I am not broadening my spectrum of what I am doing in class, I am narrowing it. The art of teaching is gone, it has turned into a science. What is the widget going to look like when it comes off the end of the assembly line? What do I tell those teachers? I know that is not a fair question. But you seem... [LB653]

MADDIE FENNEL: I will try to answer it though. [LB653]

SENATOR ADAMS: Fire away. [LB653]

MADDIE FENNEL: Let me go back and reference one of your earlier questions in answering this, and that you asked are we going to see a revolution, or are we going to get teachers back to the classroom with their kids? I think what we are having is a revolution in assessment, and Nebraska is leading that revolution in assessment. But because nobody else is doing it, it is really hard right now because we are blazing the path for everybody else to be able to do this better later. And it is taking more time and I agree with you. [LB653]

SENATOR ADAMS: This has been about a ten year path, hasn't it? [LB653]

MADDIE FENNEL: No, it hasn't been that long. The STARS process has... [LB653]

SENATOR ADAMS: Oh it sure feels that way. [LB653]

MADDIE FENNEL: I know. Trust me. I totally understand what you are saying, Senator, and I actually went into school to get my endorsement on assessment because I was so mad about No Child Left Behind and I was going to go in and get some letters and some degrees behind my name so that somebody would listen to me. Because as a classroom teacher, I am not often listened to. And I thought well, you start putting a master's degree in elementary education, specialization in science and math, endorsement in assessment, certificate in urban ed, will somebody listen to me now? And so I added all of that onto my name, but what it taught me was that this is the right process and it is taking a lot of time. And what we need to do, and I will wear my union hat because I am also a person with my teachers' union, we need to be bargaining more time into the contract so that teachers can do this stuff. We need more professional days to get this kind of stuff done. We need our teachers to be assessment experts so that we really know what kids are learning and we are not relying on some company to tell me what my kids are learning. But then I need the time to get that done, and I need the skills, and that is where I am so concerned that if we start buying these tests, the money that we could use to provide professional development time and the money that

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we could use to be training our teachers will be gone. We are the mavericks in this. I know it takes a lot of time, but I am telling you I would rather give the 8 tests that I give my students on math so that I can see what they have done in algebra, and now I see what you have done in geometry, and now I see what you have done in problem solving, because I have given you 30 questions on each of those areas which I have built into my classroom process. So my kids barely even know they are taking an assessment. They don't know they are taking a CRT except it comes out of that book. But it is exactly what we have been learning because it is the standard. I am not teaching to a test. I am teaching to the Nebraska standard because the test that I am going to give my kids has been written to the Nebraska standard. I know it takes more time. We are in a painful growth process because nobody else is doing it. But if we don't do it, we are going to fall back like everybody else and we are going to be teaching our kids to be bubblers and ruining their creativity, which is what comes about through the STARS process. It is not easy. There are no easy answers to this. [LB653]

SENATOR BURLING: Any other questions? Seeing none, thank you very much. [LB653]

MADDIE FENNELL: Thank you. [LB653]

SENATOR BURLING: Next opponent. [LB653]

VALARIE MCGREGOR: Dear Senator Raikes and the education members, I am Valarie McGregor from Nebraska City Public Schools, and I am a fourth grade classroom teacher. I am here to speak to you in my opposition to proposed Legislative Bill 653. Recently, I went over the results of a standardized test with my students. There was a buzz going around the room. Finally I asked the class, what is wrong? The students replied that the information given to them wasn't going to help them identify what they needed to do to improve. It just compared them to other kids. That is how I feel about LB653. It is not going to give me as a teacher or my students the information we need to improve. STARS does. Other states went to a single test to get the data to fulfill federal mandates because it was the easy way. Nebraska did it right. We put learning and we put our students first with the STARS process. Research studies have shown that there are three components needed for students to succeed. They are: a reliable, valid assessment, our assessments; quality instruction; and a strong curriculum. And although STARS started as an assessment component, what has happened is that all three of these components have been impacted. Nebraska teachers have spent hundreds of hours designing, implementing, and redesigning their tests. They go through vigorous reviews, and our tests are reliable and valid. More importantly, students are given multiple tests to demonstrate exactly what they know. The tests include performance assessment, actual life skills. Students are given the opportunity to learn from their mistakes. It forces teachers to teach students who didn't understand the first time, and isn't this what we want for our children, to learn that they have the power

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over their own learning and that mistakes are just opportunities to learn? The STAR process does that. Working on the assessments, teachers became more knowledgeable about the curriculum and discussions were held, not only at grade level but K-12 and from district to district. This never has happened before, the STARS process. I am a better teacher, as are thousands of Nebraska teachers, because of these discussions and the STARS process. Once we got our curriculum and our assessments in place, we are now starting to look at our instructional practices. At a recent school board meeting, our staff members went over what we are doing directly related to the STARS process. We have all kinds of committees set up to help our students succeed and keep growing as learners. Never has the focus been on individual students as it is now. STARS does this. Please let us continue this worthwhile process. Please don't advance proposed LB653. And I am open to questions. [LB653]

SENATOR BURLING: Thank you. Are there any questions? I see no questions, thank you very much. [LB653]

VALARIE MCGREGOR: Thank you. [LB653]

SENATOR BURLING: Next opponent. [LB653]

PAMELA SPRINGER: I am Pamela L. Springer, S-p-r-i-n-g-e-r. Today I am wearing two hats. I represent the Nebraska Educational Media Association. I am their president, and I am also a teacher in the Papillion-LaVista school district. The thing I want to say more than anything is that we need to assess for learning, not assess of learning. The curriculum that we use is there for a purpose. It has been chosen and matched the standards that we want our children to learn, so let's assess what they are learning and help them move on from there. If we use a test, a model test as we keep calling it, then it is too late to change what we need to teach. So if we do an assessment for learning, we can adjust as we go and lead those children where they need to be by the end of the school year or by the end of their school career. I did some research in my postgraduate work where I looked at the test that my students were taking in the eighth grade, and I was teaching them American history at that point, and the tests that they were being given were tests on world history. They had not yet had world history and would not have it until they were sophomores. Then I checked the sophomore tests, and they were being tested on American history, which they didn't get in until they were in 11th grade. They had it in eighth grade, but would they remember or not? They didn't. And so the tests did not match what we were teaching, so that is my fear about LB653 is that the tests will not match the curriculum that we are teaching. Thank you for your time. [LB653]

SENATOR BURLING: Thank you. Are there any questions? Senator Kopplin. [LB653]

SENATOR KOPPLIN: Yes, I have a question. Looking at your assessments,

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Papillion-LaVista at one time, the newspapers did compare scores... [LB653]

PAMELA SPRINGER: They did. [LB653]

SENATOR KOPPLIN: ...and they said Papillion-LaVista isn't scoring as well as anybody else. Yet I have a feeling they scored every bit as well as anybody else. Would one model test or two model tests statewide get rid of some of that? [LB653]

PAMELA SPRINGER: No, I believe I would make it worse. [LB653]

SENATOR KOPPLIN: Why is that? [LB653]

PAMELA SPRINGER: Matter of fact, my school showed up at the bottom of even Papillion-LaVista. Parkview Heights Elementary, I am the media specialist there, and our kids have made great strides from where we started when we were starting all these assessments that we are doing. But the way they were compared in the World-Herald, of course, they are comparing apples to oranges, and our kids didn't do very well. Well they are doing great. We are very pleased with the growth that they have shown us in their reading and their writing, partly, of course, due to the assessments that we developed based on our classroom curriculum, not on assessments from somewhere else or a model test. [LB653]

SENATOR KOPPLIN: Okay. Thank you. [LB653]

SENATOR BURLING: Any other questions? Thank you. [LB653]

PAMELA SPRINGER: Thank you. [LB653]

SENATOR BURLING: Next opponent. [LB653]

KAREN WOLKEN: You have heard from assessment experts and large school districts, and I am here to represent a very small school district. My name is Karen Wolken, W-o-l-k-e-n, and it has been my privilege to teach at Johnson-Brock since 1990. I am a language arts teacher there, and Johnson-Brock is just about 50 miles south of here. I first heard the term STARS in the year 2000, and I began an amazing journey into what has now progressed into our current assessment and accountability system. Back in 2000 when we gathered with dozens of other language arts teachers in our area to understand this process, we were very skeptical. The idea was so new and its far-reaching implications seemed so obscure. But, now almost seven years later, I can tell you that the STARS system has benefited every teacher, every student and every district that has been involved with this process. Teachers are better at their jobs, which many of them have told you today, because we have been compelled to align our curriculum, focus on what we call proficiency level descriptors, write tests, meet those

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six challenging quality criteria for each test, and then teach students until they truly master that content. I am a better teacher today than I was six years ago and my students learn more in my classroom because of STARS. LB653 would negate the work that thousands of professionals have done over the past six years. Yes, we still would have received the amazing professional development opportunities and our students would still benefit from our teaching. But the results on paper would not reflect the true benefit of the Nebraska assessment process. And I worry that the new teachers would not continue what we have started because the process would no longer be a part of our daily practice. STARS has generated more work for teachers and school districts, but now it is a part of our daily curriculum. The STARS assessments are based on what we teach in our classrooms where every child has that opportunity to be successful. And yet those assessments occur at the point of instruction. I would invite any of you to come to Johnson-Brock this Thursday when we have our peer review visit from two outside evaluators and come and listen to us explain our process and why it works. Since I have been sitting here, I have had all these questions whirling around in my head because I feel as a language arts teacher, I will be implementing if we go to a change. And right now we do five different tests and one of them is a speaking standard, and I am trying to envision do we all take the test on the same day or do we have the two-week window, and how will they score my speaking standard? You can't do a paper and pencil test for that. And so I have concerns because as I said, now we do them right in classroom at the point of instruction. As I said, it has been an amazing journey, one that I admit I reluctantly began seven years ago, but one that has changed all teachers. Please do not pass this bill out of committee because STARS does work. [LB653]

SENATOR BURLING: Thank you. Any questions? Senator Adams. [LB653]

SENATOR ADAMS: Let me ask you a very pointed question. You are a language arts teacher. What grade level did you say? [LB653]

KAREN WOLKEN: I have 8th grade that I currently testing, but I do 7-12 because I am a very small school district. [LB653]

SENATOR ADAMS: Okay. How many times have you had to redo your portfolio? [LB653]

KAREN WOLKEN: To redo our portfolio, as in... [LB653]

SENATOR ADAMS: Because quality assessment got changed, standards got changed? [LB653]

KAREN WOLKEN: That has been one of the frustrations since the beginning when we didn't have the six quality criteria, and that is why we were all skeptical, and I know at

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the time teachers are like let's just take the easy way out. But it is so much better and I think the quality criteria we have now, I mean, this past year I think we finally got it together. I feel strong. [LB653]

SENATOR ADAMS: But the peer review group that comes out might say you are back to the drawing board. [LB653]

KAREN WOLKEN: I don't think so, but they could. They could. [LB653]

SENATOR ADAMS: Well, you are optimistic. All right. Good. [LB653]

SENATOR BURLING: Senator Johnson. [LB653]

SENATOR JOHNSON: I have got an easy one. History question, what was Brock's name before it was Brock? [LB653]

KAREN WOLKEN: It was Howard for a while. It was Podunk for a while (laughter). [LB653]

SENATOR JOHNSON: Good for you. That was the answer I was searching for. Thank you. [LB653]

KAREN WOLKEN: It was only Podunk for a year. [LB653]

SENATOR ADAMS: No reflection on your portfolio. [LB653]

SENATOR BURLING: Any other educational questions? (Laughter) Thank you very much. Next opponent. [LB653]

DEB GARRISON: (Exhibit 4) My name is Deb Garrison, G-a-r-r-i-s-o-n. I am currently a national certified high school math teacher for Elkhorn Public Schools, and I have been proud to teach in the state of Nebraska for the last 18 years. In considering the numerous initiatives, recommendations, programs, and methodologies that have come and gone in nearly two decades, none have impacted my teaching as profoundly as the School-based Teacher-led Assessment and Reporting System adopted seven years ago. STARS has enabled me and my school to confidently address the questions fundamental to school effectiveness. They are, number one, how do I identify what we want students to learn. Number two, how do we measure the extent to which they have learned them, and number three, how do we respond if learning doesn't occur. When Elkhorn adopted the 24 Nebraska state math standards, we could answer the first question and identify what we wanted students to learn. We believe that the standards should be embedded into our curriculum rather than exist in addition to it. We started by looking for places within our current curriculum where the content of each standard was

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already being taught. For standards that did not fit, we created new units and enhanced existing curriculum. We proposed additional courses to assure that students have the opportunity to learn what we expected. Through this process, our department discovered that our struggling learners were in courses that did not address the standards but were rather in classes with less rigorous expectations. At that point, we made the decision to eliminate all remedial math courses. Instead, we expect everyone of our students in our district to take a minimum of algebra I and made it a graduation requirement. Even for our struggling most fragile learners, we stood firm in maintaining high academic expectations and implemented systems within our school day to provide additional time and support for those students. I believe this philosophy of high expectations for all students truly reflects the intent of No Child Left Behind, and STARS was the vehicle through which these philosophies were conceptualized and implemented, without which these paradigm shifts may not have occurred. To address the second question, mastery of adopted standards had to be measured. We were trained in test writing skills, and through collaborative work with other school districts, assessments were written. We were trained in methods for setting cut scores and develop mastery levels for each assessment. We were further trained in sufficiency bias and reliability and validity. We studied item analysis data and participated in peer reviews. We believe that our current assessments are well written; they are rigorous, they are free from bias, that they address the standards, they meet sufficiency and validity requirements, and scoring is reliable and consistent. But most importantly, we believe our assessments tell us exactly what our students know. More so than any other assessment model I have experienced, STARS has provided me a true picture of the achievement levels in my students. If at some time I feel that we are no longer collecting accurate data on student performance, I remain confident knowing that I am trained to refine my assessment in order to better understand and analyze student progress toward mastery of standards. Armed with valid data about student achievement levels, we can address the third question and decide how to respond if learning has not occurred. As a classroom teacher, I want to be able to make data informed decisions about my students progress. I cannot assess student needs without immediate feedback. If remediation is necessary, I want to know and be able to respond while the content is still relevant. STARS provides me that timeliness of information, information I use today to adjust instruction tomorrow. The STARS design of assessment for instruction rather than assessment of instruction has made me a more informed and by far more effective teacher. After experiencing the impact in my classroom, I believe that the Nebraska state assessment system was visionary in its conception and should be the model for other states. It has provided the framework for identifying what we want students to know and to do. It has defined a method for measuring student performance in a timely fashion, and has provided valid data for making instructional decisions. STARS is a testament to the belief in the professionalism and capabilities of the teachers in this state to develop and implement such an assessment program and analyze and use its resulting data for the benefit of all students of Nebraska. If we looking for an assessment system that supports student achievement, frankly, we

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already have it. [LB653]

SENATOR BURLING: Thank you. Any questions? Senator Adams. [LB653]

SENATOR ADAMS: I would tell you that I agree with virtually everything that you have said, but let me the devil's advocate again. So I am a parent to a new community, the metropolitan Omaha area, and I could live in Elkhorn. I could live in Papillion. I could live in a variety of place throughout the Omaha metro area. I want to go where my kids are going to get the best education. You know where I am headed? [LB653]

DEB GARRISON: Yes, I do. [LB653]

SENATOR ADAMS: Wouldn't it be nice from a parent's standpoint if I had at least a district-wide test or a community, a Learning Community-wide test that I could look at and say, well, here is where I have decided to send my kids to school. [LB653]

DEB GARRISON: I believe we are putting information in the hands of community members and parents and the media that unfairly compares districts and building to building. I don't know that you can make a judgment on what is best and what is not best based on a number of a test, based on a score from a test. [LB653]

SENATOR ADAMS: I agree with you. Isn't it already happening though? [LB653]

DEB GARRISON: It is a dangerous place to support that. It is a dangerous place to put more numbers out there so we can rank and order some more. Even though that may not be the intent of this bill, it will happen. [LB653]

SENATOR ADAMS: Okay. [LB653]

SENATOR BURLING: Other questions? Seeing none, thank you. [LB653]

DEB GARRISON: I am sorry. I have a letter from my superintendent that I would like to submit. [LB653]

SENATOR BURLING: Okay. [LB653]

DEB GARRISON: Thank you. [LB653]

SENATOR BURLING: Thank you. Next opponent. [LB653]

VALORIE FOY: (Exhibit 5) Hello. My name is Valorie Foy, that is spelled F-o-y, and I am the curriculum director in Crete Public Schools. But I am here representing the Greater Nebraska Curriculum Directors, and I have a sheet of speaking points that I

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would like to give you, but because of my time limit I am going to summarize them. The first three speaking points are based on the collaboration that has taken place in the state of Nebraska, and on this point I really agree with Senator Raikes. There is a great deal of collaboration, of growth, of learning that has taken place in the state of Nebraska due to the present STARS system. But I want to emphasize even more. This has taken place within the schools. It has taken place at the ESUs, and even more than that, it has taken place through administrative organizations and curriculum director organizations, and I think when you set up a system that ranks schools and puts them into competition with each other as opposed to being a collaborative learning community that this process is disrupted. And we truly have in the state of Nebraska a professional, academic learning community where teachers' opinions and expertise are valued, where administrators are valued, and where curriculum directors are valued as leaders, and we share that information. I think that that is such an essential point in this because I think the growth that has resulted from this has been phenomenal. That was points one, two, three. Point four deals with the fact that the locally developed assessments are a success, and I give a number of reasons that we as the curriculum directors believe that is so. But I want to go onto another point. I was a teacher for 25 years. I became a curriculum director seven years ago, and I have been a leader in the state in the time that these have been developed, and developing assessments isn't about developing assessments. Developing assessments is about developing curriculum and instruction, and when the teachers came together to develop these assessments their conversations quickly changed. They began writing questions, they began putting them together, but it quickly changed to how do we get students to know this, is this fair, is this what we are doing in our classroom, and how are we going to get this across to students? That is essential to education, and that came out as a result of the STARS process. So when teachers are talking about the time that they are putting in, the time, yes, appears to be about building assessments. But really the time has been about instruction and curriculum, and I hope that never goes away because that is a very valuable piece to the state of Nebraska and improving student learning. My last two points talk about, and this is where I would deviate from the opinion of Senator Raikes, would the state tests of four tests be a natural continuation or an interruption of this process? Would they be a rational consolidation of this process? I don't think so. First of all, a single state test, I believe, would lead to a frenzy of comparing. We know that is already taking place in the newspapers across the state, and I disagree that is has taken place based on false data. I believe it has taken place at least based on complex data. And complex data, which data is better than a single test or the results on a single test even there are four in the state of Nebraska. So I believe that we need to continue the state system in the way that we are. I believe that the conversation that has taken place has not been about assessment. Ultimately it has been about curriculum, it has been about learning, it has been collaborative, and it has been about improving results in the most positive way possible in the state of Nebraska. I know other states are looking at our system with envy because it works, because it is a positive reinforcement model for what is being done in education. Thank you. [LB653]

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SENATOR BURLING: Thank you. Any questions for Ms. Foy? Senator Avery. [LB653]

SENATOR AVERY: Just one. I hear a lot of talk today about how that STARS actually improved student learning. [LB653]

VALORIE FOY: Yes. [LB653]

SENATOR AVERY: Do you mind if I ask you for an example, a concrete, empirical, hands-on example of how this has happened? [LB653]

VALORIE FOY: Yes. I believe it improves student learning because it improves instruction in the classroom. When teachers built those assessments, and I know you have talked about here the fact that the change is negative, but the change is positive because it is a growth model. When teachers first built those and they went out the first year, and I speak from experience here, and they went out the first year and gave them. When they got results back they found out students didn't understand the questions they had necessarily written, they hadn't adequately covered the material in order for students to discuss those questions, and they went back to the drawing board. And what they did do is, excuse me, they did not lower the expectations on those tests. They said how can we make everything on the test clear, but more than that, they said how can we make the instruction in our classroom clearer, better, and work better for our children? And they went back and they did that and they developed curriculum, and by developing curriculum they better addressed the needs and therefore they improved student learning in those classrooms on reading for example, on math for example. [LB653]

SENATOR AVERY: But why wouldn't these...I said only one question, didn't I? I lied. Why wouldn't these four model tests do the same thing? Why wouldn't that contribute to student learning? [LB653]

VALORIE FOY: Okay. Number one, on the four model tests you talk about wanting to be able to compare and you talk, there was a conversation that took place earlier about standardized tests. What you are really doing is standardizing everything for the state of Nebraska. You are reducing it to a single number. And I don't think that is healthy for schools and I don't think that is representative of the learning that is taking place in those schools. They need to have rich data to be able to...restate your question for me, would you? [LB653]

SENATOR AVERY: Well, I don't think I need to belabor the point. It just seems to me that the real problem here is comparison. [LB653]

VALORIE FOY: And I believe that that comparison will work against schools, not for

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schools. The assessments they have written represent the curriculum and instruction that they have developed in those schools, and they represent a growth model within those schools. [LB653]

SENATOR AVERY: Thank you. [LB653]

SENATOR BURLING: Other questions? Senator Adams. [LB653]

SENATOR ADAMS: Very quickly, where did you teach at, did you say, or where are you a curriculum development person at? [LB653]

VALORIE FOY: Well, I taught for 14 years in Alliance. I was curriculum director for six years in Alliance, and I am now curriculum director in Crete Public Schools. [LB653]

SENATOR ADAMS: Okay. Crete. What would the teachers in Crete say if you came back to them tomorrow and rallied them all together for a faculty meeting and said, okay, aside from LB653 or whatever bill number we are dealing with here, we are going to change the standards. They are seven years old. Now we really finally know what we are doing with these assessments, and we really need to change the standards. What would be the response of your faculty? [LB653]

VALORIE FOY: Well, it wouldn't be very positive to change the standards at this point. [LB653]

SENATOR ADAMS: Okay. Thank you. [LB653]

SENATOR BURLING: Any other questions? Thank you. Next opponent, please. [LB653]

ROBERT MILLER: Hello. My name is Robert Miller, it is M-i-l-l-e-r. I am a third grade teacher at the Omaha Public Schools, and I have been teaching for five and a half years. I am currently completing my master's degree with an endorsement in assessments through the Nebraska Assessment Cohort at the university. Through this cohort, I have learned so much about this appropriate assessment and how STARS process works for all students in Nebraska. When speaking on assessment, we cannot use the saying one size fits all. Just as we have many learners and many topics, we need many forms of assessments. Assessments should be used to inform instruction, thus allowing the teacher to see what needs to be fixed and adjust their teaching to allow the students to be successfully retaught. The dedication of teachers wanting what is best for their students is shown by spending the time writing these assessments, going through the process of the six quality criteria, and coming out knowing that these assessments are truly a reflection of what the students had the opportunity to learn. These aren't add-on tests divorced from the daily curriculum. They are woven right into

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the instruction to improve learning. I know that buying a test would be easier, but it doesn't mean a better teacher. As dedicated professionals, we need to have voice in the process. We want to make sure that the assessments align with the district and state standards. We will ensure seamless connection between instruction and assessment. We will make sure everyone is hitting his or her target. Another important factor is timing. It is critical to have the results quickly to better guide our instruction. Norm tests have to be processed at a central location and it often takes months to receive student scores. I have heard teachers receiving students scores' at the end of the school year or even at the beginning of the next school year. Assessments must also be free from bias. Our classrooms are increasingly populated by students who are economically and ethnically diverse. I teach in a low-income area of Omaha, and my students have limited prior knowledge when compared to the middle class students. For example, when a math question is asked them about trips far away, many of my students haven't had the chance to leave the city limits of Omaha. My students may not know about taxicabs, but they know about jitneys, private driving services in my part of the town. Diversity also means thinking about prior experiences for many kinds of students. A Sudanese student was taking a test and was asked to take a look at a farmer and a milk cow. The students were asked to explain why this person was poor. To the Sudanese student the farmer was not poor, but a rather rich farmer for having a cow that gives milk. Free from bias? I think not. That is why it is critical to have teacher involved in the process so that they can change trips far way to local outings or tea cups to coffee mugs. We want to make sure that the tests are evaluating the scale, not just the child's prior knowledge and personal experience. One size does not fit all. STARS recognizes that we must be about individualizing education, not mass producing effective test takers. Our current STARS process allows everyone involved to grow both academically and professionally. That is what I believe we, as a community members and citizens of this great state, want for our children. I know I want my two children to have an equal chance to show what they know through a process that allows them to fully show it. Thank you. [LB653]

SENATOR BURLING: Thank you. Any questions for Mr. Miller? Senator Kopplin. [LB653]

SENATOR KOPPLIN: How do your assessments show the growth of your students that maybe don't have the same experiences? What I am getting at is they may be making a great deal more progress than children in other schools, but it won't show up that way. So how do you show parents the progress that they are making? [LB653]

ROBERT MILLER: Well, I would show them the two different forms that they took from the form A to a form B, and then obviously on form A they might have gotten a beginning score, but on a form B they might have gotten a proficient or advanced score. [LB653]

SENATOR KOPPLIN: Okay. Thank you. [LB653]

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SENATOR BURLING: Any other questions? Thank you, sir. How many more testifiers do we have on this bill? Okay. We are coming up to two hours on this bill. We have four more bills. Those of you who haven't had the opportunity yet to testify might consider visiting with each other and maybe getting together and consolidating your testimony or consider giving a copy of your testimony to the pages and they can make copies of them and pass it out to the committee, but just help us out in any way you can to get by this first bill. Thank you. Go ahead. [LB653]

KATHY WILMOT: (Exhibit 6) Hi. I am Kathy Wilmot, and that is W-i-l-m-o-t, parent, grandparent. I thank you for the opportunity to come today. I am former teacher and a former member of the State Board of Education, and I would like to share some of the following, and it is probably from a little different angle than what you have been hearing. The passage of this bill will mandate assessing and reporting of student performance on national assessments as well as the state assessments. Through the years, a debate has endured about the difference between testing and assessing. Educational entities have maintained that assessment simply expands measurement to address what a student can do in addition to what they know. But having been a teacher before STARS was ever dreamed of, we tested for what students knew and could do. Nebraska has structured the current NSSRS, or the Nebraska Student Staff Record System to meet the standards contained in the National Center for Educational Statistics data system standards. One of those standards says, an assessment is a systematic procedure for obtaining information from tests and other sources that can be used to draw inferences about characteristics of people, objects, or programs. Webster's Dictionary defines characteristics as those things that make up character such as traits, features or qualities. And you heard a teacher, I believe it was earlier, that told you that when they are assessing they are actually also trying to figure out what is going on in that student's head. LB653 would mandate the tracking of students for personal characteristics actually and not just academic achievement. LB653 would also mandate that local districts disclose students' personally identifiable information to the statewide longitudinal database as personally identifiable information. There is much more involved to reporting on are we going to keep 200 and some tests or are we going to narrow this down to four? In fact, as I have listened to people talk today I hear them interchange the word of assessment and test, and there is a difference. It is not interchangeable. The NAEP assessment, we are talking about on a national assessment, asks such questions in the future according to their meeting minutes, do parents work for pay, does the family rent or own the place where they live, and they say this is a strong indicator of wealth over time. What does that have to do with finding out if my student has learned what he has been taught? Or families structure, how many siblings and parents does the student have? You also need to look at the Nebraska Data Access and Management Policy, which says, as the bill says we are going to work on confidentiality, it says it refers to an agency's obligation not to disclose or transmit information about individual students to an unauthorized party. Then I think it is

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important for us to know who the authorized parties are, and if you look further in most of the documents, you'll find that is just about anybody that has an educational interest in any type of surveying or evaluating programs. So I guess in a sense I oppose the bill as far as the assessment on language and what we are going to be reporting and to whom and how much personal identifiable information moves. But as far as a smoke and mirrors, this assessment system in mind has been a smoke and mirrors for many years because you are using rulers that every school has drawn their own marks on and you are trying to make some kind of a comparable measurement. And I think honestly to pick four good assessments, if you want to call them that although I think you need to change this language to tests and let's talk about academics, I think that is a good idea, and if they are all based on the same standards, why wouldn't it work? We have driver's license tests for all kinds of people. We have them for driving cars, driving truck, and driving motorcycles, and we all manage quite well. Thank you. [LB653]

SENATOR BURLING: Thank you, Kathy. Any questions? I believe not, thank you very much. [LB653]

KATHY WILMOT: Thank you. [LB653]

SENATOR BURLING: Next testifier. [LB653]

KATHY WILMOT: I have some copies. [LB653]

SENATOR BURLING: Go ahead, sir. [LB653]

EDWARD MONTGOMERY: My name is Edward Montgomery. I am a teacher and a curriculum and assessment coordinator from Kimball, and pretty much you have heard everything I would say except I thought maybe you needed to hear a voice from western Nebraska. And if you want to hear from an average teacher, I am just about as average as it gets. A couple of points I guess I would like to talk about that I keep hearing and I don't fully understand is if the goal of a state test or assessment system, whatever you want to call it, is to improve instruction and thereby improve student achievement, I don't know how LB653 moves towards that goal in any different way than the current system does. I keep hearing talk about comparability and whether it would provide more or not. In my mind, we have comparability in that the current system, and I have been working with it for the entire length of the time, I can look at that same web site people keep referencing. I am from Kimball. I can look at Potter-Dix down the road and see that their assessment system was rated as exemplary and I know the criteria they had to meet to get that rating, which are very stringent criteria, and I can see that their students performed exemplary on that and I can see what the percentages are, and I think that is enough comparability. If you are really worried about comparability, I would be glad to come down and testify in favor of a bill that would assure that my children at Kimball, a large number of whom are the rural poor, have exactly the same access to the same

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teachers, the same buildings, the same schedule, the same materials as a student from my friend Andy's (phonetic) district over in Westside, and then I think maybe you could get true comparability. I don't know that you can get true comparability, the kind that we seem to banding about at this point and time. I have managed to be fortunate enough to travel around the country and recently I was in Tennessee at the NCTE national convention, and I was beseeched by the number of teachers who told me I was so lucky to be from Nebraska. And from state department people who told me I was lucky to be from Nebraska, not just classroom teachers, across the spectrum. Because we were doing it right and they were doing it wrong, and they sure wish that they would do it the way we do it. And I have sat here for two hours now and I still don't understand the logic between adopting a model that has not been proven to improve instruction and throwing away one that looks to be improving instruction just about the time we can start getting data we can really measure. [LB653]

SENATOR BURLING: Okay. Thank you. Any questions? Senator Ashford. [LB653]

SENATOR ASHFORD: Senator Burling. And I apologize for being out of the room. I was for a few minutes, but I think I get the gist of the opposition now. But what strikes me about the bill, and this is a very quick answer here, is that I think what we are getting at here in this bill or what Senator Raikes is getting at is when he talks about comparing students here with students around the world. I think what we are talking about is thinking about as a state finding a way of determining how our students are performing against everyone in the world. Why not? And so I certainly don't have the answer and I am glad that Ms. Lukin was here it explain Dr...is it Dr. Lukin? [LB653]

LESLIE LUKIN: It is. [LB653]

SENATOR ASHFORD: ...Doctor, excuse me... [LB653]

LESLIE LUKIN: It is okay. [LB653]

SENATOR ASHFORD: ...gave a great testimony about here experience, and we are a great state because we have people like yourself and like the other testifiers here who do such an incredible job. I would like to see how we are doing against the world, against the nation in a more efficient manner. Not to tear down what we are doing, but to lift us up, and that is the only comment I would make. But I do get exactly what you are saying about existing comparabilities as being adequate. I just wonder if we shouldn't ratchet it up. [LB653]

EDWARD MONTGOMERY: To follow that logic though, Senator, it would seem if you want true comparability between how Nebraska does as compared to Kansas, Missouri... [LB653]

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SENATOR ASHFORD: China. [LB653]

EDWARD MONTGOMERY: ...the world, China, wouldn't we all have to be taking the same test? [LB653]

SENATOR ASHFORD: I suppose to a degree, but I think we can start to move in that direction. I don't think we are going to get exactitude. I think we have enough brain power in this state to devise a system where we can start to begin to make that seed change because we are so full of people that are motivated and are bright and can get us there. That is what I think this bill says. [LB653]

EDWARD MONTGOMERY: Well, if you want to talk allocation of resources, I was a classroom teacher for 20 years. I have moved farther and farther into the assessment curriculum school improvement model to now where I teach one class per year, spend the rest of the time in my office. My district thought it was worth my salary, which is public record, it is about \$50,000 a year. You throw in the 25 cents I am actually worth, that comes to quite a bit of taxpayer money, and yet my district thought highly enough of the STAR system they were willing to create a position to ensure that was carried out right. [LB653]

SENATOR ASHFORD: Right, and listen, everything you are saying I don't disagree with. Enough said, but I think what we maybe trying to strive for here is something greater. And I am not an educator, and most of the people who testified here in all of these bills are educators, and I can't even begin to suggest that I know what I am talking about when I compare to those people. But I do know that we want to always strive to do better and I think that is what we are searching for. [LB653]

EDWARD MONTGOMERY: And I certainly have no problem with a good vigorous discussion about whether we are doing the right thing or the wrong thing. [LB653]

SENATOR ASHFORD: Thanks. That is all. Thank you. [LB653]

SENATOR BURLING: Other questions? I see none, thank you very much. Next opponent. [LB653]

PEGGY ADAIR: (Exhibit 7) My name is Peggy Adair, A-d-a-i-r. I represent the Academic Freedom Coalition of Nebraska whose 19 member organizations of teachers and professors, librarians and journalists, writers and book lovers, are dedicated above all to classrooms where teachers and students pursue their goals as seekers of truth in free discussion and purposeful explorations of ideas. I have given you my written testimony and so I am not going to be redundant, but I am going to say in the immortal words of Burt Lance, who as a banker and a political manager, but obviously was not educated in Nebraska, when he said "if it ain't broke, don't fix it." Thank you. [LB653]

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SENATOR BURLING: Thank you for your short testimony. Wait a minute, (laughter) there may be some questions. Are there any questions? We have your testimony, thank you very much. [LB653]

PEGGY ADAIR: You're very welcome. [LB653]

SENATOR BURLING: Next opponent. [LB653]

LISA SMITH: My name is Lisa Smith, S-m-i-t-h, and my journey to this very seat started seven years ago as a teacher in the state of Texas. At that time, I didn't bother to look at comparative data between school districts, but instead as an educator of someone who is trying to educate in a comparative assessment system, I wanted a state where I could do something different because I was all about change. I was all about let's do this differently than everyone else is trying to do it and get out of the comparative mode into something deeper and more meaningful and closer to home. At that time, I selected the state of Nebraska as my state of residence, not just my community. At that point, I knew that I wanted to become a part of a community where I could actually impact the system and support the system and develop something more meaningful than what I had experienced previously in the state of Texas. I accepted a position as a staff development specialist at ESU 9 in Hastings, and at that time became part of a movement that I will say again is everything about change. It is all about change for student learning. This was not an easy task. It has never been an easy task. I have long lists from that time of people who were very vehemently opposed as they were in their teaching position to starting this process. Many of them closed the door and chose not to participate at that time. Those who decided to give it a chance, who believe that there might be a whisper of something different and unique and manageable and meaningful participated in that and have created something powerful and different. It is very different. I represent, I was asked to speak on behalf the staff development specialists that are in room, and there are a number of them, and we have been willing over the past seven years to stand up in front of people who didn't want to do this process. I have had candy thrown at me. I know that it is uncomfortable for people. They don't like it and it is uncomfortable. In the end as we have moved on this road seven years later, we have long, long lists of people who sat in that place and who moved from that place to a place that said much of what you have heard today. I wish that I could give you prepared testimony, but I have changed what I came to say because they have said it so well. It has been difficult. It is not a comparison system. We don't have the four particular models that you reference in this legislation. What we have is something far beyond what we ever expected to have seven years ago. I chose to come here to be a part of it having no idea that it would be so amazing, that I would learn so much and that I would watch so many educators learn about it as well, passionately, passionately. We are just to the state, we are just to the point where we have critical mass. We have enough people now that we can truly analyze data and take it into even more

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meaningful instructional practices that will prepare students to not only compete and be as good as children in China, but to be more fully prepared than them. We don't want to be as good as, we would like to be better. Thank you. [LB653]

SENATOR BURLING: Thank you. Any questions of Ms. Smith? Seeing none, thank you very much. Next proponent. [LB653]

RENEE JACOBSON: (Exhibit 8) My name is Renee Jacobson, J-a-c-o-b-s-o-n. I am the superintendent of Plattsmouth schools. I am having the page hand out to you the testimony that I had intended to give when I came here today, but I am going to summarize and be very brief for you. You are struggling with the very thing that I struggled with when I moved from the classroom to the superintendency, and that is what is the balance between what is good for kids in the classroom and what is important for our taxpayers and our parents to understand with regard to accountability. The STARS system is not just criterion-referenced assessments. The STARS system includes NAEP, which is our international comparison, a norm-referenced test, which is our national comparison, a state writing test, which is our state comparison, and then the fourth component of that is what truly impacts the classroom, and you have heard all kinds of testimony about that so I am not to share anymore with you than what has already been said. I would tell you though that if you are trying to narrow us down to four tools to use in the classroom, it is very much like trying to narrow the tools that a doctor uses to four. Stethoscope is good. Blood pressure cuff is good. Maybe a blood sugar test is good. But what is the fourth, MRI, x-ray, CAT scan? What is the fourth tool? You have to have multiple tools because you have multiple needs among kids. So that CRT has to stay more broad than just those four models that you are going to have. It has to be sensitive to the local district, so it has to stay local. It can't go state and have the kind of power that you need for it to have. In terms of parents having comparability and being able to easily choose, education isn't easy. It just isn't easy. There was a point in time when most of us didn't understand the difference between HDL and LDL and triglycerides. We didn't understand about blood sugar. We didn't understand about body mass index. But, you know, we have developed that knowledge. As our kids come through this system, as teachers talk with parents and kids become parents, we are going to be able to understand those kinds of things. We can't make it simple because it isn't simple. Educating a child is a complex process, and we can't make it simple. [LB653]

SENATOR BURLING: Thank you. Questions for Ms. Jacobson? Senator Kopplin. [LB653]

SENATOR KOPPLIN: You mentioned using the NAEP as part of your reporting system. How does that fit in? [LB653]

RENEE JACOBSON: The state, and there are probably others back here that can

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describe better for you, but the state tells us if we are selected to participate in the NAEP, and when they tell us that we have been selected, we are. As Plattsmouth schools, we are randomly selected very frequently. We have the demographics because we have low socioeconomic status, we have high mobility and all of those kinds of things that we are frequently in that mix to get a good cross sampling of our students in the state. [LB653]

SENATOR KOPPLIN: Okay, and then the state does not report it by school district however? [LB653]

RENEE JACOBSON: No, we don't get school level information back from that. You get state level information that you can compare with other states and you get national to compare with other nations, but you don't get building by building. You do get building by building with your NRTs that you do with the CAT and the SAT and the ACTs and those kinds of things. [LB653]

SENATOR KOPPLIN: Okay. Thank you. [LB653]

SENATOR ASHFORD: Are those published, building by building? [LB653]

RENEE JACOBSON: Yes. [LB653]

SENATOR ASHFORD: Okay. [LB653]

RENEE JACOBSON: They are on the state report card. [LB653]

SENATOR ASHFORD: Which is on the web site. [LB653]

RENEE JACOBSON: Which is on the web site. [LB653]

SENATOR BURLING: Any other questions? Seeing none, thank you very much. Next testifier. [LB653]

JOE SHERWOOD: My name is Joe Sherwood, S-h-e-r-w-o-o-d, and I am the superintendent in Pender Public Schools, and I would just like to respond to a couple of the points that I have heard discussed here today. Number one, I believe that a move towards LB653 would be a move toward the status quo, not away from it. In fact, it would be moving toward what everyone else is doing, and I think that has already been established by my colleagues. Another thing, a questions that was asked, what would teachers say? Some teachers would be thrilled. Some teachers would be thrilled because it would be an easier system. Our better teachers, our best teachers, I think, prefer this system. And rarely in administration do we decide to do things based on what the crowd that wants the easiest way out decides to do it. The last thing I would like to

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say is merely a testimonial. Two years ago, in fact April of 2005, Pat Roschewski, whom you all know, met me at Pender, called me, I was hired that year. I started in July of 2005, and she called me and asked me to come to Pender because the district that I was going to superintend was on the down list with the state department and their assessment system. So one of the questions was asked, have you ever had to redo your portfolio? In fact, we had to redo our portfolio. She gave me and the previous assessment director a set of improvements that need to be made, and part of that was a total overhaul in the system that we had been using. When I came to the school district, I had several teachers, 30 years plus in experience at our school district, who said to me I used to love education. I am going to retire soon because I no longer love it, and it was largely the assessment system. However, the assessment system as identified by the state department was not being applied with fidelity, and once we began to apply the STARS system with fidelity in Pender, those very same teachers have communicated to me since our peer review happened in January, and we are now exemplary in all categories. We met all the expectations. Now those very same teachers have communicated to me that they would like to stay around for six to ten more years. Rather than retiring at the lowest age possible, they would like to continue teaching. So when the system is applied with fidelity, I think teachers understand the meaning and the value, and they become very committed to that meaning and value. And so I would urge you to oppose LB653. [LB653]

SENATOR BURLING: Thank you. Any questions for Mr. Sherwood? I see none, thank you very much. Next opponent. [LB653]

JAY SEARS: (Exhibit 9) Senator Burling, members of the committee, Senator Raikes, I am Jay Sears, J-a-y S-e-a-r-s. I represent the Nebraska State Education Association, and I am very proud today to say I work for the people that sit behind me and the testimony that they have given. I am giving you written testimony. What it tells you, very quickly, is that NSEA for the past probably seven or eight years has had resolutions that support multiple assessments developed by teachers in the classroom. You can go on and read the rest of it. I think the most important piece is the last paragraph in there and then a couple of words that I add to that. The current system that we have of STARS works well and our teachers understand it because they have developed it. NSEA urges the Education Committee to adopt legislation that allows the current assessment system to continue. Senator Raikes came before you as he introduced this bill and talked about what has happened has happened and what we have is what we have. I would urge you as a committee to come up with legislation that allows in statute what we are doing now. What we found in the journey on assessment is we found a better mouse, we found a better mousetrap, we found a better way to do assessment and it is paying big dividends in our students' ability to learn. The other things that I would ask you to put into legislation, into statute that will help the assessment process and help students learn is that we have time for teachers to teach, time for teachers to assess, time for teachers to communicate with one another about their curriculum, and the resources it

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is going to take to collect all the data that we need to make students better learners. I thank you for the opportunity and for you spending two and a half hours listening to the professionals in the education business talk about what they love to do. Thank you.
[LB653]

SENATOR BURLING: Thank you. Any questions for Jay? Seeing none, thank you very much. Next testifier. [LB653]

JODY ISERNHAGEN: (Exhibits 10 & 11) Good afternoon. My name is Jody Isernhagen, and you spell that I-s-e-r-n-h-a-g-e-n. I think that is the longest for the afternoon here and I apologize for that because I know you are getting tired of sitting in those chairs. I am currently a professor at UNL and serve as the primary investigator for the STARS comprehensive evaluation. Raising standards of learning is an important state priority. Over the last ten years, governments have been vigorous in making changes in pursuit of this goal. However, researchers Black and William state that these changes are all a means to an end, but the sum of this just doesn't add up to effective policy. Accountability systems and high-stakes tests alone will not lead to achievement gains. Researchers indicate that the results of assessments must be used to adjust teaching in order for significant achievement gains to be made by students, and that is exactly what STARS does. Learning is driven by what teachers and children do in classrooms everyday. Other states in the U.S. using high-stakes tests contend that these test force teachers to narrow the focus of their curriculum and concentrate on what is being tested. They want to have a system of assessment like STARS because they have already identified that once the ownership and autonomy of educators and communities is usurped by the use of state tests, no one takes the same care in personal ownership for what happens to their schools. This bill does take away control from local school districts to develop and monitor their own assessments and to act on a daily basis in the best interest of their children. Children need to see their progress in real time, not months later. That is the element of the policy that STARS provides that is not provided by state-based tests. Nebraska STARS has demanded a great deal of work and leadership based on a clear vision of learning since 2001. As a result, local assessment systems that honor the teaching taking place in classrooms in the best interests of students has been developed. This system of classroom-based assessment provides data to improve the performance of students on a daily basis on the curriculum that is valued by the local district. A choice from four state tests will narrow the curriculum on teaching and measuring only what is on one of the four tests, taking away the autonomy of schools and communities. This will be at significant cost to state taxpayers. The greatest cost, however, will be the devaluing of work that has been done by Nebraska educators to act in the best interest of students. Teachers' understanding of quality instruction has been deepened by the opportunity to participate in the statewide dialog. Through this sharing, teachers have been able to improve instruction and impact the learning of the students. All of the data and findings about the STARS process, its growth, challenges, and successes for Nebraska educators and students over the last

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five years can be read in the comprehensive evaluation available on the NDE web site. I brought the last two years of documents with me. I think if you start to read these documents you are going to hear the voices behind you repeated over and over and over from many, many school districts across this great state. So I appreciate the opportunity to share with you. It has been a struggle from the beginning. It is getting better and stronger each day that we work toward STARS assessments, and I think the most important point is for the committee to differentiate between what a criterion-referenced assessment system is intended to do and what a norm-referenced system of assessment is intended to do. And if you are looking for ranking schools, the norm-referenced tests that we already have in this state can help you do that. The criterion-referenced assessment are really about using the data that is found each day in a classroom to determine a student's next steps in learning. Thank you very much. [LB653]

SENATOR BURLING: Thanks for your testimony. Any questions? I see none, thank you. Next testifier. [LB653]

JUDITH RUSKAMP: Senators, Senator Raikes, I am Judith Ruskamp, R-u-s-k-a-m-p. I am the assistant professor in the school of education in graduate studies at Peru State College. Assessment literacy is primarily my responsibility in the program of study for our teacher candidates, particularly as it relates to their knowledge and their understanding of the STARS assessment system, which is unique to the state of Nebraska. It is important that we not forget another stakeholder in this entire process, and that is our teacher candidates. The teacher candidate's knowledge and understanding of the STARS assessment system at Peru State College revolves around three A's. We approach this system teaching that student achievement is first and foremost, that assessment is a piece of that gathering of how students are doing in terms achievement, and accountability. As a result, our teacher candidates exit our postsecondary teacher education program accepting and, frankly, embracing the analysis of student achievement, assessment literacy, and the accountability that I spoke of, with one additional caveat. The teacher candidates understand very clearly that teachers who assess, not test, well will be more effective teachers, and assessment, not testing, done the right way will result in instructional effectiveness, student achievement. The proverbial thumbnail sketch does not provide feedback to individual teachers about their individual students in their individual classrooms so that they can improve instruction for those particular students. Our teacher candidates understand that. Additionally, our teacher candidates understand that this is a very complex system, that is difficult, it is very hard work, but it is valuable and it is important and it is meaningful. STARS advocates for a kind of assessment that is a means of facilitating diverse kinds of testing and measuring, one that the teacher candidates at Peru State College understand is the kind of testing that teachers at the local level have the opportunity to do and they must do if they really want to gain valuable insight into what their own individual students know and are able to do. They, too, also appreciate

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the reality that this is something that any kind of standardized system simply cannot do for them. Our teacher candidates now exit our program fully aware of the fact that assessment done the Nebraska way makes sense, that it is good for kids, and it develops a teacher who is an expert on assessment. It is important that this committee realize that our candidates go out into the field and they are interviewing for positions outside of the state of Nebraska and immediately interest is piqued in our candidates because they understand that this particular candidate comes from the state of Nebraska, and they are very interested because they know that this candidate comes from a state that has a unique way of assessing. Thank you for your time. [LB653]

SENATOR BURLING: Thank you. Any questions? I see none, thank you for coming. Next testifier. [LB653]

CHRIS GALLAGHER: Good afternoon. My name is Chris Gallagher, G-a-l-l-a-g-h-e-r. Like Jody Isernhagen, whom you heard from a few moments ago, I am a university educator. I also worked with her on the STARS evaluation, but given the late hour and the looks on your faces, no offense, I am going to keep this short and really try to talk from the perspective of a parent because you haven't heard that today very much. I lived, before coming to Nebraska, in New York, and in Massachusetts, and in New Hampshire. These are all states that have statewide assessments, and I would submit to you today that Nebraska has the most inclusive, and in fact accountable system of all the accountability systems I know. Those systems controlled by the states generate numbers and they generate rankings. These numbers and rankings may seem simple and clean, but they don't tell me what I want to know as a parent or as a taxpayer. By contrast, STARS generates information I can understand, information I can use. With a couple of clicks of a mouse I can learn a great deal about my kids school, from NRT and CRT scores, demographic information, teacher quality information and so on. And here is an important point for me: The information about performance on standards, which is what we are talking about under STARS, is based on the informed judgment that trained teachers make about learning. So I feel confident as a parent about those judgments because I know the teachers, the people who after all spend their days with my kids, they have been involved in building valid and reliable assessments. I trust that judgment before I would trust some testing company half way across the country. I have also had the opportunity to work with people both parents, journalists, educators from other states who have come here to learn about what we are doing in Nebraska, and I know that you have heard from some of those people. They have written in from the Forum for Education and Democracy, for example, and I hope you will listen to their message. Their message is simple, Nebraska's system is a beacon for the rest of the country. This is the word they keep using, a beacon. I have done a fair amount of writing about STARS myself and I know that educators' successful efforts here in this state have put Nebraska on the national map, and I fear that LB653 would undo those efforts and I think that is a shame. As a taxpayer, I don't believe the development of 48 state tests from which districts choose would be a good use of public funds. I don't want the state

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doing that job, quite frankly, especially when Nebraska already has an appropriate system for validating local assessments. I don't want to see Nebraska go down the same road that other states have gone down with state tests because school improvement should be about getting better, not winning a beauty contest. Local assessment shows us the whole picture, not just what makes schools look good, and for that reason, again, I believe Nebraska STARS is the most inclusive assessment and accountability system in the country and it would be a travesty to turn our backs on it. Thank you for your time. [LB653]

SENATOR BURLING: Thanks for your testimony. Any questions? I see no questions, thank you. Next testifier. [LB653]

DONNA KOZAK: (Exhibit 12) Good afternoon. My name is Donna Kozak, K-o-z-a-k. I represent myself as an interested person in the educational movement. I have been ten years doing constitutional, republic and historical research. So I have gone through lots of books and somewhere along the way I got into some education books. One of them, first, was Brave New Schools. This one opened my eyes up like a shook about the socialism foundation of the educational system through the last 90 years in this country. And as a result of that, I ended up 5 weeks ago going to St. Louis to a constitutional convention where a man named Dr. Allen Quist from Minnesota who has taught over 40 years, he has a web site called edwatch.org, and I have a paper for you so you don't have to write stuff down which you can get at the end. And on this web site, he has done all of the watch dog stuff as to what has been done in education since 1990. And this is something I just want you to be aware of for all education bills that you vote on is what is the foundational historical information about what is going on today in the education world. It turns out that in 1990, President Bush signed an agreement. Now agreements don't have to have any oversight by Congress, only treaties do. So he signed an agreement and then Clinton signed the Goals 2000 in 1994, and then he put the 1990 one into the Dakar thing that he signed in the year 2000. And then in 1992, President Bush, the current one, he signed this No Child Left Behind. Well, what is behind all of this? Well, there is a man named Marc Tucker, which you really have to become familiar with because he wrote a "Dear Hillary" letter and so forth when they first got elected in or Bill did, and he is writing almost all the plans and textbooks have been written and so forth. And the bigger movement of everything in education is that through these agreements on behalf of the American people, the presidents have put us into the international system of education, and the bigger movement of this is that all of it is going to be under the arm of UNESCO, which is the education arm of the United Nations. Now you have to go to edwatch to read all this. It took me, after I came back, two weeks just to read, read, read, read in order to get a bigger picture of it and to just write this four page synopsis because on edwatch, Dr. Quist has all of these different papers and you would have to read a lot of them in order to just get the whole picture of this thing. It turns out that the UN Earth Charter is what is going to be driving all of this. There have been textbooks already written. We have one of the over 600 IBO schools

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already in the nation, which is International Baccalaureate. And the worse part of this whole thing that just shocked me, because now I am going to have to let a lot of this go, is that this is for 2015. It is all slated for that. There is all of this stuff that is going to be pushed toward that driven from federal down to state. And if state can't hold your barriers, then this is just going to come at us, and also there is a Dodd-Ehler's bill which is starting to put the nails in the coffin through legislation that is going to be in the federal. So by the year 2014, all of this is going to be, and the 10th grade kids are all going to...we have heard all these words, well all of these words really do mean something, and the 10th grade kids at that time will all get a pass/fail assessment test. And assessments are all based on the UN Charter, it is all no factual type stuff, and they will have a card. This card has already been created and if you don't pass, and all of the assessments are graded in Geneva, then the card will not allow you to go into any school anymore in this country because it turns out that there will not be any GEDs allowed anymore, and the whole thing will be restructured and kids then are not going to be able to go onto school after the 10th grade. So I am just a voice carrying a message from what I learned and I am passing it onto you so that you can take it, go to edwatch, and start to read the different things. He wrote the book America's Schools so that it would be a reference for you. He wrote a textbook review, We the People: The Citizen and the Constitution, evidently this is a history book that is in, and Understanding Sustainable Development - Agenda 21. It is a big picture, and like I say it was just unbelievable information when I heard all of this and if you want a copy of his speech, I transcribed it. It is 17 pages and I can be e-mailed at AmericanPrimer@aol.com. And I just want to present this in all of the education bills so you have history behind what is going on when you vote and make any decisions at all as to where your bills are going to go at the bigger picture by 2015. Thank you. [LB653]

SENATOR BURLING: Thank you, Ms. Kozak. Any questions? I see...oh, yes, Senator Avery. [LB653]

SENATOR AVERY: I thank you for your testimony. Nobody has told me about being a part of some conspiracy. [LB653]

DONNA KOZAK: Dr. Quist said so few people know about this that maybe 1 in 1,000 people even are aware of the underpinnings of it all. But on his edwatch.org web site he has all the reference material and he has all of the documents that now you are aware of and you can take and you can start to read. Like I say, this is not my life. Two weeks after this just to try to get this much down so that I could have a way of speaking and letting people be aware of what is going on in terms of what the President signed. See those things went through legislation, but it was sugar coated in such a way that the big picture isn't right there. And he said that if the congress people and the state people and educators and so forth all knew this, they would be up in uproar about this whole thing. But like the Dodd-Ehler's bill now, now that is a federal bill, there is a senate and a house version, we can go check that out, and he said it is piece meal. It will just be drip,

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drip, drip, so by time 2015 comes along everything is right there and they say, hey, it was all voted on and so this is the way the education system is going to be. But what is really sick is the Earth Charter and all of the things about Christian values in this country and all of the thing about morals, see the UNESCO is going to write all of the textbooks, which he said there are already textbooks written and so forth in that IBO school is already over 600 in the United States. The only one in Nebraska is Millard North, and it is all for international so it will dissolve all of the things that we as a country stand for so that we don't have our borders anymore, let's say. [LB653]

SENATOR BURLING: Any other questions? I see none, thank you. [LB653]

DONNA KOZAK: Thank you so much. [LB653]

SENATOR BURLING: Next testifier, please. [LB653]

KIRK GOTTSCHALK: I am Kirk Gottschalk, G-o-t-t-s-c-h-a-l-k. I am the principal at Nemaha Valley Schools, it is a K-12 district southeast of Lincoln about 45 miles. It is a small rural district. I will do my best not to touch on everything else that has been presented. Just a couple of things, teachers constantly revisit this process. It is an ongoing process and the adjustments are continually made, and with those continual adjustments the best learning is taking place. Ranking will take place with the state tests. When comparing takes place then the focus in the classroom changes away from true learning. Let's keep the competitiveness with the extracurricular activities. Kids learn differently. Kids have many different dynamics across our broad state, therefore the local educational professionals have the best insight to what is best for their kids in their area. Kids come first and learning is what is important, not comparing. And quite honestly, what happens around the world is irrelevant to what happens and what is taking place in the classroom. There are too many variables in other countries. What is taking place in their classrooms is totally different. I have spent two weeks in Japan when I worked for Omaha Public Schools visiting schools there and they go to school far...they have longer days, there are so many variables associated with that to compare around the world, I think, would be wrong. Thank you. [LB653]

SENATOR BURLING: Thank you. Any questions? [LB653]

SENATOR ASHFORD: Don't we have a global economy? Don't we have to compare to some degree how we are...if they are longer days, should we be having longer days? [LB653]

KIRK GOTTSCHALK: If you want to compare then you must consider the longer days... [LB653]

SENATOR ASHFORD: I get your point and it is a valid point about you are comparing

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apples and oranges. But I mean at the end we have to prepare our young people for a global economy in the twenty-first century. Everybody says it, but in real terms it is about jobs and it is about the ability to compete. And so I don't know how else you do that other than at some point we are going to be compared to those people either in the marketplace anyway. If we are going to be compared to those people in the marketplace, we ought to try to figure out a way to bring everyone up as much as possible. I am confident you can teach you and the teachers in this room can teach to that level. I think that is a given. So the question is what do we do to get people ready for the global economy? That is what I look at. So maybe it is not testing, but it is something else. [LB653]

KIRK GOTTSCHALK: I don't think comparing fourth graders across the world has an effect necessarily on the global economy. I think the result... [LB653]

SENATOR ASHFORD: No, but those fourth graders are going to be competing in the global economy at some point. [LB653]

KIRK GOTTSCHALK: Some. [LB653]

SENATOR ASHFORD: Okay. Well, hopefully a lot of them. Thanks. [LB653]

SENATOR BURLING: Any other questions? Seeing none, next testifier. [LB653]

KEITH ROHWER: (Exhibit 13) My name is Keith Rohwer. I am superintendent of schools in Nebraska City. I will just have this passed out to you. I am going to make two quick points. One, for your reading pleasure, I have attached for you some information that we are going to use tomorrow when we have our visit as part of the accountability system that is looking at our language arts portfolio. I thought that might be interesting for you to see. The other thing that is important to us as a supporter of the STARS process, it was talked about a little bit, but there really is a huge connection between the STARS process and the school improvement process in Nebraska. All of us are involved in school improvement. All of us are using setting goals based upon data, and the STARS process brings that data to us based upon classroom information. In our school system, we are focused on reading, as a lot of people are, we are focused on vocabulary, we are focused on comprehension skills. And so all of that is part of this STARS process. I know you have heard a lot of good information. I was glad to have Val come with me as a classroom teacher. Those are folks who you really need to hear from because those are the folks that are delivering this each and every day. And I appreciate your time. I would go back, Rohwer is R-o-h-w-e-r. Thank you. [LB653]

SENATOR BURLING: Thank you. Any questions? Seeing none, thank you. Next person. [LB653]

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FRED MEYER: Good afternoon. My name is Fred Meyer, M-e-y-e-r, and I serve as president of the State Board of Education. Once again this morning, the State Board voted unanimously to continue our support of STARS program, as we have since the start. I think it is also worthy of noting that five of the eight board members come from a local board of education sometime in the past. So they have that knowledge and understanding of what happens at a local school. There are very few things that I can say that haven't been said by the just unbelievable professionals that have been ahead of me this afternoon. But to think that we can sit here this afternoon and in any way fathom that that professional development would have happened without STARS would just be nonsense. It would not. The STARS program has driven the professional development in this state beyond anything that we could ever comprehend. And I guess I would beg of you please don't bring that to a screeching halt, and I believe LB653 would do that. Sure, it would continue for a few years with the teachers who are firmly committed to it. But going to one state test will eventually bring everything down to a common denominator, and that is not what we want. If we want to educate Nebraska citizens from one end of the state to the other, we have to give every classroom teacher the ownership, the ownership, and the only way that you can do that is by giving them the freedom that STARS give them. A state test gives no ownership. And if there has been one thing that has been loud and clear this afternoon from every classroom teacher ahead of me is that they own this process, and they will not give it up easily. And I am just humbled by the way that classroom teachers have transformed teaching and learning in Nebraska to something that is truly at the cutting edge of what happens all over the world. Earlier, Senator Adams asked if he were a parent moving into a district how he would compare schools. Well, I would propose to you that if you or a parent were to visit two classrooms, one of them firmly committed to the assessment system that she was in charge of and she owned or one that simply administered a state test on the 15th of May, which one do you think would be more committed to teaching your child? I know which one would be. The one is able to say we teach the standards as we go through the year and we assess them as we go. If my child, your child doesn't understand something, we go back and reteach it and we make sure that those children understand everything we teach throughout the year. Earlier, Senator Avery, you asked the question, what difference does STARS make, and that is probably the biggest one. By giving a state test late in the year, say May 15th, the teacher is given no chance to go back and reteach things that the students didn't know. The STARS with its continuous classroom based assessment by the teacher has the ability to do that, and that is the only system that I know of that is able to do that. And that is huge because we want students to understand and know the standards. Earlier, we talked about norm-referenced tests and the value that they have. Earlier when I was on the State Board, I found out that norm-referenced tests only measure about 35 percent, 35 percent of our curriculum. Well, to make any kind of rash judgment about something that only measures 35 percent of what we are teaching would be a gross mistake. It is there a little value of it on a national scale? Perhaps, but not much. So you have to know the background of some of the instruments that we are using in order to really

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make judgments about them. I guess in closing, the State Board remains firmly committed to the STARS process. We would ask that you not pass this out of committee. The professional development that has happened in Nebraska is truly awesome. We have about 25,000 teachers in Nebraska and their e-mail works well, Senator Adams, and they would transmit some of those thoughts to you. But some earlier testifier also used the phrase critical mass. It has taken time to reach the point we are in Nebraska where there are so many teachers with such a thorough understanding of this process that they are able to then articulate that knowledge to their fellow teachers, then it becomes a very, very powerful instrument. And you have heard from Kimball, you have heard from Pender, you have heard from Omaha, you heard from Nebraska City, all over Nebraska, all different sizes of schools. The last four years, I have been privileged to speak at the release of the state report card, and every year three or four teachers or administrators come and talk about what is happening in their schools. These are unsolicited remarks by the State Board of Education, and I am just struck by the professionalism and the ownership and the understanding that these classroom teachers have of assessing, and that would not have happened without the impetus of the STARS program in Nebraska. Is it a lot of work? Absolutely. But I guess my parents taught me a long time ago anything that is really worth while is a lot of work. And I am so proud of the teachers in Nebraska that have done this hard work, and I ask of you, please don't take that away from them. And I think the commissioner is going to speak last. [LB653]

SENATOR BURLING: Thank you, Fred. Any questions? Seeing none, thank you. Next testifier. [LB653]

DAVE HAMM: Dave Hamm, H-a-m-m. I am the superintendent at Plainview Public Schools, formerly at Niobrara, and people that know me, and I know several of my colleagues that are out here. It is hard for me to sit here and not say something, but Senator Adams, you asked earlier about the amount of work and the energy and the time and the resources that have gone into the STARS process. Enormous, absolutely enormous. Second year through the process literally I thought the teachers would, if given a rope, would string me up in front of the school building. The amount of work and energy, unbelievable. But then something funny started to happen. The results started coming in and we were in a district that is 70 percent poverty, 50 percent minority, and all of a sudden scores started going up and they started seeing the results, and a passion developed, and that is what is about. As soon as they could see the benefit for the kids, the teachers bought in, hook, line and sinker. Because after all there are a lot of districts, a lot of people here today are involved in the on-sight review process and are going to be visiting school district over the course of the next three days, and we will see districts that bought in at the beginning and those that said, no, this is just another one of those fads, it is going to go away. Don't make it go away. Don't make those nay sayers right. And that is what LB653 will do. We, as educators, spend a lot of time and energy building this up and we have seen fantastic results in the schools. Not only in the

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schools that I have been in, the schools that I visited, the educators that I have heard from. If I convinced five rag tag kids that they could play basketball and I said, hey, all we got to do is do these things. Oh, no, no, no, we are not a sanctioned school by the state of Nebraska. The NSAA will never let us play. No, no, trust me. They will do it. They will let you play. Let's work. We work, we work, we work, we get better, we get stronger, we start to compete, we start winning some ball games, we get to the district finals, we win, and the NSAA all of a sudden says, sorry, you are not sanctioned by us, you don't participate, you can't play in the state tournament. Don't take the state tournament away from Nebraska educators. Thank you. [LB653]

SENATOR BURLING: Thank you. Are there any questions? Seeing none, next testifier. [LB653]

DOUG CHRISTENSEN: (Exhibits 14 & 15) Senator Burling, members of the committee, I am Doug Christensen, commissioner of education, and please don't choke at the amount of paper that I gave you. I have no intentions of going through all of this. I didn't know what others would say and I am going to hit the high points. I do stand here in full support of STARS, and especially in full support of the educators that you have heard from who have made this be, in my opinion, the most successful assessment and accountability system in the country. The proposal before you does not add any value to STARS. In fact, I believe because it will add bureaucratic layers of compliance, will diminish the roll of STARS in its ability to improve teaching, the practice of schooling and the levels of learning that our students are experiencing. The proposal I think in its worst elevates assessment, that is the test, to a function and activity of the state and state officials, and away from the practice and responsibility of educators at the local level, guaranteeing that we are going to pay more attention to the needs of schools than we are to the needs of students, and that is exactly what is happening with No Child Left Behind. We worry about which schools make AYP, not which kids are succeeding in our schools. Study after study after study is basically saying this, and this is really important to understand: The differences across schools is not nearly as great as we think it is. When we look at poverty kids in Omaha Public Schools and South Sioux City and Hemingford or wherever they may happen to be, the differences are very, very slim. The differences in scores occur because of the mix of the demographics and the volume or density of them. What has happened all across the country, and we have now almost 15 years of this, when we pay attention to the differences across school districts we don't get much effect. But when we get school districts to pay attention to the differences within the schools and the districts it begins to make a difference. So the differences within is what STARS is all about. The differences across is what a state test would do, and it would divert our attention. This is about four choices, but it is about one test, and one test is simply too simple, too easy, and too seductive to be good state policy. It will shift the policy and practice to the inevitable things that are going on in other states, and all we have to do is look around. I am disturbed that it has been characterized as primarily one of professional development because if we want something to change in

our schools, whether it be a way teachers teach, a subject they teach, or any particular outcome as terms of different kinds of high schools, there are three things we have to do to get there: one, professional development; two, professional development; three, professional development. This is what STARS is all about, but that is not all of what it is. We are talking about helping teachers to teach differently because they begin teaching knowing what is it kids are to be able to know do and that is the standards, and then they have in mind exactly what they want to see from their students as evidence that they have learned. And when you begin to teach with those two things in mind, you teach differently than simply covering the content in a book. If you would look in your document to page 4 is an example of the ways in which...because the issue has come up. To have comparable measures, do we have to have the same measure? And the answer to that is no. If you look at that subject, and I was a high school biology teacher, I invented this so if you want to criticize it, go for it, it has been some time. If the topic is photosynthesis and those are the things I want kids to know, I have got four ways to measure that. Have students do a project, do some kind of an experiment with carbon dioxide, water, light levels, do a research paper that creates some simulations or models presented to a public audience, or a paper and pencil test of multiple choice questions. The most valid measures are one, two, and three. The projects, the experiment, the research paper. The least valid is the paper/pencil test. The most reliable is the paper/pencil test. The least reliable are the other three, because you can get different answers. Here is the problem with a paper and pencil test, it becomes a proxy for learning, not a real measure because I will never know whether the kid got the question right because they knew or because they guessed, and in items one, two, and three that are projects or experiments and so, they have to demonstrate that they have learned. My goodness, light, the life passes quickly sitting in this chair. I am glad I don't do it everyday. There is a final comment, if I can do that. If you begin to look...or two final comments, if that is all right. On page 26, the question has come up, Senator Adams, you have asked this before when we had the opportunity to talk and you have asked it again, we surveyed 12 schools, and the 12 schools are listed there in the second paragraph on page 26, of how much time did it take for your teachers to do this work and how much did it cost, and you can, again, see the schools. The average number of days out of the classroom was 3.2 days per teacher that was involved, with a range of .3 of a day to the maximum of 10 days out of the classroom. That doesn't seem to me to be unrealistic at all. Out of those districts that are reported. Those that reported said the cost range from a low of \$1,000 to a high of \$20,000 and the average cost was between the \$1,000-2,000 range. Districts are spending money because they choose to do some things other than what is required by STARS. Finally, let me have you look at page 28, do we want more tests like these that are multiple choice tests or true and false or single answer tests, or do we want tests that look like, and Senator Ashford is not here, talking about the twenty-first century. The tests that are on page 29 and page 30 and page 31 and page 32 and so on, there are a whole bunch of them there, and what STARS is doing is encouraging the very tests that are on those latter pages in our schools as measures of real learning. Again, anytime you use a paper/pencil test, it is

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questionable whether or not students are getting the question right because they know or because they have guessed. Finally, beginning on page 37, if the issue is to align the statutes with the current practice, we would recommend your consideration of what is on page 37 and the succeeding pages as a way to align current practice with the statutes. We do not think that the current practice is out of line with the statutes, but if that is the issue we would recommend your consideration of that language. Thank you, and thank you for allowing me to go over time. [LB653]

SENATOR BURLING: Thank you, Mr. Commissioner. Are there any questions? Yes, Senator Adams. [LB653]

SENATOR ADAMS: Maybe not so much a question as a comment. Look at your face. [LB653]

DOUG CHRISTENSEN: You are making me nervous. [LB653]

SENATOR ADAMS: Well, and you and I have had this discussion, it think that the state needs to set the standards and set them high and reevaluate them and reset them if necessary, and I think we have to measure. And as a former classroom teacher, teachers have to have control of that measuring device, and as I listened to all of this today and I read e-mails from teachers and think back on all of the discussions we have had, I just wonder if the real issue here isn't maybe so much what we are doing but the way in which it is being done in one school, ten schools. I don't know. I don't know. And maybe that can be rectified. Where do you see us, if we don't make any changes right now, and I am not advocating that we do, just a professional question for you. Where do you see us five years from now with this system based on what you have seen over the last seven? [LB653]

DOUG CHRISTENSEN: I think that a couple of things, one, we are at this point when this is simply becoming the way we do our work, and as a result five years down the road the number of people who remember what it was like six years ago are going to be many of them playing on the same golf course that I am, likely, and as a result this is just simply going to be the way it is. I think this will get easier over time. I think it will just be second nature. I am going to sit as a teacher and create my plans and I am going to, in my planning document, not only decide what I am going to teach but the assessment will be right there as part of it. I think we will all tend to look a lot more like the schools that are getting performance assessments going so that you don't teach then test. Teaching is assessment. We measure it as we go through observations, through demonstrations, through performances, and those kind of things. I think it will become natural. Now, I think the issue becomes right now is that it is mechanical and that there are school districts that are getting this figured out. You heard from three or four of them today. There are probably 75-100 school districts where it is not mechanical any longer. Those that are spending an inordinate amount of time and energy doing this are still at

that mechanical stage and it just hasn't quite gotten to them, and they are doing more in most cases than they need to do. And you heard one speaker talk about the fidelity issue to STARS, and when they get that figured out it changes everything about what they do. This has been hard work. There is no question about it. But in terms of effect, I can't think of anything in 42 years that has had a greater effect on teachers, their sense of professionalism, their sense of efficacy, and on the bottom line of student achievement. We should have had in this state declining ACT scores, declining NAEP scores, declining standardized test scores because of the demographic shift that has occurred in this state since 1990. That has not happened here. I think STARS is the only reason it has not happened because it has happened in every other state where those demographic shifts have occurred, because we teach kids until they master it. We assess them until they master. Those scores are high because we simply work at it one kid at a time, time after time, however many times it takes until they reach mastery. I think our kids deserve that. I think our state policy should be exactly what that is as opposed to a one-time snapshot that will become over time a high-stakes thing. I think that you are going to see twenty-first century creep into this, but I don't think it is going to be the monumental fear factor that it would have been five years ago. You are right. Lots of our teachers would have been applying back into Texas instead of coming from Texas back up here. That is probably not true. But they would have been abandoning ship because...I just think it is becoming the way we do work. It is part of the culture now in the vast majority of our schools. [LB653]

SENATOR BURLING: Senator Kopplin. [LB653]

SENATOR KOPPLIN: But without that mechanical involvement, don't you lose ownership of the program and thus weaken the whole movement? [LB653]

DOUG CHRISTENSEN: Absolutely. I don't care whether you learning to play golf or you are learning how to do classroom assessment, in the early stages, it is mechanical. You have to do the work. Professional development doesn't do any good if I am sitting and lecturing to all of you. The only way you would learn how to do classroom-based assessment is in doing the real work of classroom assessment and learning how you do it as you go. That is what has worked in Nebraska. As everybody has had to create classroom assessment, at first they were just, why in the hell do we have to do this stuff, what is this all for? We got beyond that stage and then it became well, how do we get it done? Now we are starting to feel people say, how do we best do this, what kind of measures are going to be the best measures of student learning, is it multiply choice or fill in the blanks or true and false or is it performance measures, and we are now into that stage of performance measures. But yes, you have to go through that stage or you don't grasp what this is all about, nor do you have the ownership. And I think that is what you heard here today from all of the educators is they own this process, and this will take it away from them. [LB653]

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SENATOR BURLING: Any other questions? Seeing none, thank you very much for your testimony. [LB653]

DOUG CHRISTENSEN: Thank you for your time. [LB653]

SENATOR BURLING: (Exhibit 16) Are there any other opponents? Are there any neutral testifiers to this bill? I have a letter here from the Nebraska Council of School Administrators in opposition to LB653. Senator Raikes to close. [LB653]

SENATOR RAIKES: (See also exhibits 23-27) Thank you, members of the committee. It seems to me that you have been led to believe that somehow this is going to destroy the teaching techniques that have come, I think, as a result of STARS and other development programs we have had in the state, and I think they are very good programs. Omaha Public Schools has one test across the district for fourth grade math and for every other subject area. Lincoln Public Schools has one test across the district for all those. That is what we are comparing. Are we to believe that those teachers don't do a good job because they don't each develop their own test? I don't think so. I don't think so. I think they do a very good job. What we are talking about here is something comparable to that. We are not talking about a high-stakes test. We are not talking about destroying all the professional development. We are not talking about teachers no longer using the techniques that the commissioner pointed out in 29-34. All of those things are certainly going to continue to be used. They should be used. They are good teaching techniques. The result of good professional development. What we are suggesting here is that instead of every classroom teacher developing their own test, which I think the fact is they don't do now. They don't do it for good reason because it is too much, it is too time consuming, and they have discovered that there are more efficient and appropriate ways to do it. So that is my point about that. I think this has been mischaracterized. The other thing I will tell you, as far as I am concerned, I disagree with the commissioner, there is a variance between what the statute says and what the practice is, and we need to correct that. [LB653]

SENATOR BURLING: Any questions for Senator Raikes? Senator Avery. [LB653]

SENATOR AVERY: Isn't that what the legislative performance audit established, that there is a difference between what was the intent of the legislation and what the department has actually been doing? [LB653]

SENATOR RAIKES: Actually, we will hear from them in just a second, Senator, so I won't... [LB653]

SENATOR BURLING: Any other questions? Seeing none, that closes the hearing on LB653, and I will turn the hearing back over to Chairperson Raikes. [LB653]

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SENATOR RAIKES: Okay. Please respect our process here. I think we need to keep moving in the interest of time, so we will go ahead with LB353 and we have with us today Senator Schimek. Welcome, Senator Schimek. [LB353]

SENATOR SCHIMEK: Thank you, Senator Raikes. Thank you very much. I was just thinking to myself I bet he wishes he would have played hookey today. Good afternoon Mr. Chairman and members of the Education Committee. For the record, my name is DiAnna Schimek and I represent the 27th Legislative District. I am here today to introduce LB353 on behalf of the Legislative Performance Audit Committee. LB353 was introduced by the Legislature very early in the session as a shell bill. We just simply wanted something in place so that when we completed the Performance Audit Report we would have something that we could amend if need be to help implement that report and I am referring to the February 2007 report the State Department of Education, School Based Teacher Led Assessment and Reporting System. I think this has been an excellent, excellent hearing today, and what you heard is what I was going to tell you that the committee found in its report. And we found that the word assessment is not clearly defined in statute, and that there were different interpretations of assessment and test. And we also found that the statutory language requires the four assessment plan documents or practices and that that is not what was being done now. And if you look at LB653 you know, and from what you've already heard, that LB653 does define assessment and it does reiterate the part about having four assessment instruments. Now, you can argue about whether the assessment definition is correct or you can argue about whether we need the four assessment instruments, but that is what this bill does. And so in light of that, the Performance Audit Committee decided to come in and ask you to kill LB253, and we in turn would prioritize LB653, and we will leave it to the committee to address the concerns that you heard here this afternoon. But we do feel that clarity needs to be brought to this subject. And so with that, Mr. Chairman, I do have two staff members from the Performance Audit Committee with me. I would be happy to try to answer questions, and I know they have the expertise if I don't. So with that, thank you. [LB353]

SENATOR RAIKES: Thank you, Senator. Questions for Senator Schimek? We're letting you off the hook. [LB353]

SENATOR SCHIMEK: Thank you very much. [LB353]

SENATOR RAIKES: Thank you for you patience. [LB353]

SENATOR SCHIMEK: Well, I really did enjoy the discussion today, and I did run out for a few minutes to Transportation Committee which I was missing entirely this afternoon, but it was a worthwhile discussion. Thank you. [LB353]

SENATOR RAIKES: I agree. I agree. So we will turn to proponents, LB353. Opponents,

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LB353? Neutral testimony? Did we have the... [LB353]

ANGIE McCLELLAND: Would you like us to come up? [LB353]

SENATOR RAIKES: Please. Apparently rushed past your favorite category there so I apologize for that but neutral is fine. [LB353]

ANGIE McCLELLAND: This is fine. Good afternoon Senators. My name is Angie McClelland. That is spelled A-n-g-i-e M-c-C-l-e-l-l-a-n-d, and I'm a analyst with the Performance Audit Section and I was the lead auditor for the STARS report that was recently completed this year. And I would be happy to answer any technical questions you might have about the report. [LB353]

SENATOR RAIKES: Okay. Questions from the committee? Senator Avery. [LB353]

SENATOR AVERY: For the record, would you tell us what your main finding was? [LB353]

ANGIE McCLELLAND: Our main finding was that the term assessment is not defined in statute and that that has led to a difference in interpretation of how we felt the legislative history stated that the Legislature wanted the act to be put into place and it differs significantly from what is actually taking place in the department right now. [LB353]

SENATOR AVERY: That was the question I was asking Senator Raikes. Thank you. [LB353]

SENATOR RAIKES: Other questions for our folks from the...that was a significant finding. I characterize what the...well, let me back up. Would you characterize what you see as the difference between what the statute requires and what the practice actually is? [LB353]

ANGIE McCLELLAND: Yes. I would say that in my opinion and with the evidence that we looked at during the audit, I feel that there is a difference between what is dictated in statute and what is actually in practice right now. [LB353]

SENATOR RAIKES: And would you characterize that for us? [LB353]

ANGIE McCLELLAND: I would say along with the difference in interpretation of that definition of assessment that the other large finding that we had had to do with the four model assessments and some language in the statute that is not clear at this point. Statute currently says that the department is supposed to designate four model assessments and then school districts shall choose one of those assessments but then it also gives an option to adapt, in addition, adapt an assessment. And we felt that it was

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not clear from the legislative history and other documents that we looked at what that adapt really means, and so what we found is that there are not four model assessments designated for each subject area and that the adapt portion of the statutory language adds to the confusion of implementation at this point. [LB353]

SENATOR RAIKES: Senator Avery. [LB353]

SENATOR AVERY: Is it fair to say that the department decided to focus on the adapt language rather than the full model language? That's the way it sounds like. [LB353]

ANGIE McCLELLAND: I think I would agree with that, although you might want to double check with the commissioner on his intent with that and the department's intent. But that was my read on the situation is that they took the adapt language and implemented it. [LB353]

SENATOR AVERY: Thank you. [LB353]

SENATOR RAIKES: Senator Kopplin. [LB353]

SENATOR KOPPLIN: From your studies and finding, would you say it was a primary intent of the Legislature when they passed the law to come up with at system that can compare schools? [LB353]

ANGIE McCLELLAND: Yes. [LB353]

SENATOR KOPPLIN: Okay. [LB353]

ANGIE McCLELLAND: Yes. It is in the language of the act to compare schools to their peers and also to other states and to other schools around the world. [LB353]

SENATOR KOPPLIN: Okay, and this question you may not be able answer but I was just looking, it says the assessment reporting plan, you're going to adopt criteria for the inclusion of students with disabilities and so on. Should there not be an opposite one saying that we have to include some criteria for those that are gifted so otherwise you don't have a balance? [LB353]

ANGIE McCLELLAND: That would seem reasonable to me, but that is something that we didn't look at in the report so I'm not sure I can speak to it directly. [LB353]

SENATOR KOPPLIN: Okay. That's fine. Okay. Thank you. [LB353]

SENATOR RAIKES: Any other questions for our staff members? I see none, thank you for being here. [LB353]

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ANGIE McCLELLAND: Thank you very much. [LB353]

SENATOR RAIKES: (See also Exhibit 24) Is there any other neutral testimony? Don't see any and Senator Schimek waives closing. Okay. That will close the hearing on LB353 and Senator Kopplin. [LB353]

SENATOR KOPPLIN: Okay. We will open the hearing on LB615 and Senator Raikes will open. [LB615]

SENATOR RAIKES: Thank you, Senator Kopplin, members of the committee. Ron Raikes, District 25, here to introduce LB615. LB615 deals with another issue in the area of accountability, assessment, at least in my view. This deals specifically with the student information database. This database is currently being developed in the department. I'm not sure exactly what funds are going into that, but I suspect it's probably a combination. There's some state funds and some other funds. I will remind you that this is something that was mentioned in LB1024, and it was also mentioned in LB547. This is, I think, really a tremendous opportunity for the state and its policy makers to develop information and tools that can be useful for evaluating educational policy, programs, alternatives and so on that we deal with. I think this bill is particularly important because we're at a formative stage of the development of this database. I think it's important that we get input at this point that assures that the information put together in that database will be useful to address the policy questions that we need to address. And for example, as was mentioned in LB547, there are a number of concerns about which programs to address the issues of poverty students are most effective. Programs like all day kindergarten or any number that you can mention. How are we doing in terms of the achievement of those students? How big an impact does mobility have on students? Those kinds of issues ranging all the way down to in some of our nearby states they have, I think, been less ambitious in terms of their goals for it and they have looked at questions as to how many students are double counted in the state in terms of showing up and eligible for state aid payments in several different school systems. I don't consider that a particularly important one in Nebraska. I think the policy issues are much more important, but I think this is a tremendous opportunity. Actually on the opposition testimony to the first bill, there was a person that mentioned concern about privacy, maintaining privacy and that sort of thing, which certainly is a valid concern. But my understanding and full belief is that this information in this student database would be protected so that individual information about specific individuals would be protected and would not be generally available but that it would provide a tremendously rich data source for policy analysis. So that's my interest. [LB615]

SENATOR KOPPLIN: Senator Howard. [LB615]

SENATOR HOWARD: This sounds like an interesting idea and it sounds like it would

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provide a compilation of information. But would this be useful too in terms a student who changes schools? Would there be information that would follow that student to expedite them getting into the new school? [LB615]

SENATOR RAIKES: Well, as long as...and hopefully Bob Beecham or someone from the department can correct me on this. As long as the school that they change to is still in Nebraska, I don't think at this point we have the capability to follow students out of state. But we do have that ability to follow them within the state and, in fact, that may be one of the keys to identifying mobile students and whatever issues they deal with. [LB615]

SENATOR HOWARD: Well, I would certainly support that. There has been too often when children, especially children in foster care, have had to change schools in then they have had a delay of two or three days while they waited for the information to get to the new school so they could actually attend. That would be terrific if that worked out that way. [LB615]

SENATOR KOPPLIN: Other questions? Thank you, Senator Raikes. Do we have proponent testimony? [LB615]

ANGELO PASSARELLI: Good afternoon, Senator Kopplin, members of the Education Committee. My name is Angelo Passarelli, that is P-a-s-s-a-r-e-l-l-i. I am with the Millard Public Schools, and we support this piece of legislation. I am here to tell you that we, in fact, have that tracking system in place in our district and have had it for about 12 years now. We find the information that we have from that as very powerful information where we know which students are successful at our measures and assessments. We know which students are not successful. We can individualize a plan for the ones that are not successful. We can come up with a plan for each one of them and see that they are successful the next time they take an assessment or a similar type of assessment in future years. So it's very powerful information. It's part of our whole package that we have had in place for some time now. We started on this road about 15 years ago and have been very pleased with the performance. Our indicators are showing very well right now. We're trending up in all of those, and we feel like it has been an integral part of the success that we've had in student achievement. So we're fully supportive of this. It's, as Senator Raikes mentioned, it's in LB547 as well, and we think it's an important part of both those bills. [LB615]

SENATOR KOPPLIN: Okay. Questions for Dr. Passarelli? I don't think so. Thank you, Angelo. Next proponent. [LB615]

AL INZERELLO: Senator Kopplin, members the committee, Al Inzerello, I-n-z-e-r-e-l-l-o, assistant superintendent Westside Community Schools, and just to piggyback on the last testimony, Westside Community Schools would like to go on record in support of

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this bill as well and for the same reasons basically. But to add one caveat in addition, we always struggle at using the same information. And with this kind of system, it would allow statewide not only policy but it would allow all school systems, the state policy makers and so on to all be using the same data so that we can finally agree on performance data that... it's kind of like we've all read the same book, which you've heard in earlier testimony today. So very important component in making policy decisions and as school districts participate in the legislative process in order to help formulate policy using the same data just makes sense, and we think this is a natural step toward that end. [LB615]

SENATOR KOPPLIN: Questions for Dr. Inzerello? Thank you, Al. Next proponent. [LB615]

RENEE JACOBSON: My name is Renee Jacobson, J-a-c-o-b-s-o-n. I am superintendent of Plattsmouth schools and I'm back here before you again because I came into education from private industry, and in private industry I did lots of analysis of data, economic viability, technical capability, all of those kinds of things. In education, we have not had particularly good data, and it's important to have it at the state level. And when we begin to talk about all of this assessment information and bringing it all in, one of the ways in which we can help the CRT information be comparable across districts is to have comparable definitions of proficiency, and then you begin to have comparable CRT information. It's not impossible to have a statewide data system that involves CRT information as well as our NRT information and all of the demographics and things. But this is vital to driving our processes forward. Senator Avery said earlier we are so resistant to change. Part of the reason we're resistant to change is because we don't have good data, in my humble opinion. This system would help us have better data, and we can change more proactively if we've got it available to us. That's all. [LB615]

SENATOR KOPPLIN: Questions for Dr. Jacobson? Thank you, Renee. Other proponents. Are there opponents? [LB615]

KATHY WILMOT: (Exhibit 17) My name is Kathy Wilmot, W-i-l-m-o-t, parent and grandparent and, again, as a former teacher, former member of the State Board of Education, would like to share the following comments for the record. If enacted, LB615 will mandate that the State Board of Education implement a statewide system for tracking individual student information achievement. In reading the Nebraska Data Access Management Policy, the intention is to collect a wide array of information beyond that of simple student achievement or how well Johnny tested in math, science and other academic areas. The student data system, known as the Nebraska Student and Staff Record System or NSSRS, already exists. Schools have been working with that and have downloaded information to the system. Current data elements include such things as student's name, date of birth, parents' names, student disciplinary

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information, criminal convictions if any, whether the student is a single parent, and the list goes on from there. This is all in addition to information concerning whether the student has been assessed on particular state standards and how well they have done. In looking at the Nebraska Department of Education Statewide Student Record System Requirements Specification document, you will find that each student is given an ID, and that was done through a contract with e-scholar. They also comment that the use of the social security number, they don't really use that for an identifier but it is information that they do have and they do want because it allows another way to be able to link the two together and make sure they have not made a mistake. In addition, they say the social security number is also used to help receive the district services that are reimbursable under Medicaid. Staff information is also being entered into the system and eventually there will be a link between the particular teacher and how well her particular students do, and we all know students come to you with different abilities and that's going to be a real high-stakes piece of this, and we're concerned supposedly about high stakes. While the state attorney general reminds us that we should do all we can to protect our personal information and our identity, in this same document it says they admit the fact that you know you have to be really careful how you have this information and how secure you can make this information and they liken it to locking the front door of your house, but yet the thief can find a way to pick the lock or get around it. And when we're putting personally identifying information for students out on these databases somewhere, we are subjecting them to the possibility of hackers. According to the Nebraska data policy that I mentioned earlier, students personally identifiable information can be given to researchers, to entities that survey and analyze education, just as long as they promise to be as careful with the data as the state Department of Ed is or the warehouse. And so it isn't just stopping at one place. It has the potential of going on. It eventually even goes to the EDEN, which is the Educational Data Exchange Network, which is a federal warehouse for data and, again, there is personally identifiable information at that level. I have plenty of documents to show that they talk about trying to protect that data as well. If you should happen to pass this bill out of committee, I think you need to look at why students personally identifiable information has to leave the local district level. I think we can make a lot of comparisons. We can talk about 43 of my fourth graders met these standards, 3 of them did not and I continue to work with them without releasing personal identifiable information. What penalty will an agency face if a students personally identifiable information is violated in some way? I found it a little amusing that in the policy manual for the department, it simply says there could be disciplinary action or there may be, and I say if we are going to release this information and there's a violation of student privacy, there should be at least a \$250,000 fine and maybe they need to have a felony count. LB615 needs a lot of work to protect our students. There are many unanswered questions. I encourage you to collect the extra documents through the Department of Education that explains what they plan to do with this information, what their policy is for their staff in dealing with this information, and think about it very carefully please for our students before you pass it out of committee, and I thank you for the opportunity to

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speak today. [LB615]

SENATOR KOPPLIN: Thank you. Are there questions for Ms. Wilmot? Seeing none, thank you very much. Other opponents. [LB615]

KATHY WILMOT: I will leave a copy of my testimony, too. [LB615]

DONNA KOZAK: Good afternoon again. My name is Donna Kozak, the last name is K-o-z-a-k. As I said before, I am here just on my own and I am a messenger for you to make you aware of some information. This that I'm going to talk to you about is this little booklet and it was written by this lady Donna Hearne, and she happens to be the one who had the constitutional coalition which has gone on for over 20 years already. It's a national get-together of people on education and so forth. She was appointed by President Reagan to hold three positions in the U.S. Department of Education. She dealt with research information while searching on the National Council of Education Research and so on and so forth. So she has high qualifications, I feel, to know what was going on. There's a chapter in here called data collection, and part of this information...and this booklet is referenced on that paper that you have from me. This says that the state shall provide reports on supply, demand, price and quality of job training services in each unified service delivery area in the state because they are talking about school to work. Now this came way back in the eighties already and she said a lot of this did not occur overnight. As far back as the 1960s, the vision was laid out in what was the Department of Health Education and Welfare. Using taxpayer's money, the department began assembling manuals or handbooks that enumerated every conceivable attribute of human life and translated it into a computer code. The data that was being computer coded included such information as the condition of the soft tissue of the mouth, religious affiliation, membership and community groups and on and on. See our last child just graduated this year from high school. He had a terrific experience. We both did. Went through all the books and everything, and the thing was what he didn't like were these questionnaires placed in front of him often which were all these questions about his attitudes, his preferences, his opinions, what did he favor more than one or the other in terms of lots of different things with his life. I never got to see any of these. I don't know who can, but he really didn't like those. Well, here in this booklet it talks about how databanks will be used for jobs and there's a thing called ALEX, A-L-E-X, standing for Automated Labor Exchange. Just something to be aware of and look into. Nineteen ninety two, the New York Times had an article, "Personal File and Worker Yolked for Life," talking about how communist China has this database on everybody from birth to death, every little tiny thing about them because, again, this things is all geared for what? School to worker. Kids are going to be trained vocationally. That's Marc Tucker's plan and...the whole plan. I mean he's the writer of a lot of it. It also talks about this thing called speedy express. It's another whole system, and it's to be able to have everybody internationally access because, again, school to work means training a child into a vocation that can go around the world, any place

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where that work is needed, and there's a section in here on Nebraska. But my time's up. [LB615]

SENATOR KOPPLIN: Could you sum it up please? Any questions? Okay. Thank you. [LB615]

DONNA KOZAK: Thank you. [LB615]

SENATOR KOPPLIN: Other opponents? Anyone wishing to testify in the neutral? Senator Raikes...oops, excuse me. [LB615]

BOB BEECHAM: Good afternoon. My name is Bob Beecham. I am employed by the Nebraska Department of Education. That is B-e-e-c-h-a-m, and I am an administrator for a group called Education Support Services. I have been responsible, we have been leading the effort to develop the Nebraska Student and Staff Record System over the past two or three years. We are developing the Student and Staff Record System. We have assigned a unique ID number to all public students, pre-K through 12 in Nebraska. In '05-'06, we piloted the system with about 15 school districts representing about 33 percent of the student population in Nebraska. This current school year, '06-'07, we are running parallel, that is that we are doing it the old way and we are doing it the new way so that we can compare the data when they come in. So we have established that system. Part of the bill that I wanted to address today and part of the fiscal impact would be an expansion to collect data on individual standardized tests. Which is fine, but there will be a fiscal impact to work with the testing companies to get information in to the department. The bill actually says that school districts would submit that information, but I think it would be more efficient and probably less burden on the local school districts if we just got that data directly from the testing company. Now, the largest impact that we noted...and we may be wrong on this bill. We made the assumption that part of the bill requires us, or might require us, to link individual teacher data, that is what teachers teach, with individual course-taking patterns of students. We are not sure about that because we may have misread it. But at any rate it's basically collecting input data and comparing it to student performance data. If that's the case, then I would submit that we didn't design the system to do that. Then that will take a big expansion and therefore require anywhere from \$10-\$15 a student to incorporate that into our new system. We are just developing it. As I said, we are running parallel this year. We will require all public schools will be required to submit data on the new system beginning in the '07-'08 school year. I would be happy to answer any questions. [LB615]

SENATOR KOPPLIN: Are there any questions? Senator Burling. [LB615]

SENATOR BURLING: Thank you for your testimony. Did you say that you already assigned numbers to all students? [LB615]

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BOB BEECHAM: That's right. [LB615]

SENATOR BURLING: What other data do you... [LB615]

BOB BEECHAM: We collect a variety of data that are required by state or federal programs. We do not require a social security number. We do not keep social security numbers in our main data warehouse. We make it optional for unduplicating whether or not a student is in more than one district. Senator Raikes mentioned that other state have that problem. That has been an experience with us during our parallel year and we are able to use the unique ID then to get those school districts together and say okay, who does this student really belong to? [LB615]

SENATOR BURLING: Thank you. [LB615]

SENATOR KOPPLIN: Any other questions? I have one, Bob. You mentioned you could work with the standardized test companies so that the data would go directly, and that probably sounds a good way to do that. Is it possible to also work with them that you can get some kind of correlation between Nebraska standards and what they are testing? [LB615]

BOB BEECHAM: Probably not. Not at this point. As a matter of fact, the standardized test companies, of course, don't have our unique ID in their system so part of what our fiscal impact is to collect some of the demographic information about the students and match them with our students. [LB615]

SENATOR KOPPLIN: So would you be working with how many companies? [LB615]

BOB BEECHAM: Well, there's five. There's five testing companies. In Rule 10, school districts have to select from one of five standardized tests, and those are the vendors we would be working with. [LB615]

SENATOR KOPPLIN: Okay. Thank you. Any others? Seeing none, thank you, Bob. [LB615]

BOB BEECHAM: Thank you. [LB615]

SENATOR KOPPLIN: Any other neutral testimony? Senator Raikes, do you want to close? [LB615]

SENATOR RAIKES: (See also Exhibit 24) Thank you, Senator. Appreciate Bob's comments because he has kind of been the mainstay of this effort and I think has done a great job with it. One of the things mentioned in the fiscal note and has a fiscal impact would be if you kept the individual teacher information about classes, and it raises an

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issue that we probably need to deal with. In terms of having information available to address policy questions, it would be nice to think well, let's just have that too because that might be useful at some particular point. But as you expand the amount of information available, it does cost more money and you have got to decide whether or not you want to do that. I would certainly say that given the interest in such questions as the impact of teacher experience on performance in course work and so on, it may well make sense to do something like that. So I just raise it as an issue that we may need to deal with. The other thing, Dr. Jacobson mentioned, I think, a very good point that if you are going to have the ability to analyze certain sorts of policy questions you do in fact need reliable data on student achievement, student performance, and so in that sense I think this effort ties back to the first bill we heard today as well. [LB615]

SENATOR KOPPLIN: Any questions for Senator Raikes? Thank you, sir. [LB615]

SENATOR RAIKES: Well, that will close the hearing on LB615, and we will go to the next one if I can find...LB529. And here to introduce LB529, we have Senator Nantkes. Welcome, Senator. [LB529]

SENATOR NANTKES: Good afternoon. Chairman Raikes, members of the committee, my name is Danielle Nantkes, that is spelled N-a-n-t-k-e-s. I am representing the fighting 46 Legislative District and I am here today to introduce LB529, and it's my distinct privilege to be here before the Education Committee for the first time this session. LB529 amends the Attracting Excellence to Teaching Act, a loan forgiveness program for talented education students who agree to teach in Nebraska schools. This bill would give a priority to students who have graduated from high poverty schools and who commit to teaching in a high poverty school upon graduation. This bill would also provide salary supplements to mentor teachers who work in high poverty schools. The overall goal of the bill is to strengthen recruitment and retention of talented teachers in high poverty schools. This bill was brought to me by the Nebraska State Education Association, and they are here today with us to answer any technical questions the committee may have. I urge your consideration of the bill and would be happy to answer any questions. [LB529]

SENATOR RAIKES: Okay. Thank you, Senator. Any questions for Senator Nantkes? We are getting worn down. Thank you. [LB529]

SENATOR NANTKES: Very kind. With that, we will waive close. [LB529]

SENATOR RAIKES: Okay. Thank you. Proponents, LB529. Jay. [LB529]

JAY SEARS: (Exhibit 18) Senator Raikes, members of the Education Committee, I am Jay Sears, S-e-a-r-s, and I represent the Nebraska State Education Association. I would be glad to answer any of your technical questions. Before I start, I would like to thank

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Senator Nantkes for bringing this bill before the legislative committee, the Education Committee. As she so aptly told you, this is a bill to attract and retain high-quality people into the teaching profession who come from districts that are representative of our poverty schools and also reward them for staying in high poverty schools and then continuing to mentor. As we were working on drafting the bill there are a number of technical issues that we have to work out. As the commercial says, our people are talking to your people. We will try and get all of those amendments worked out before you get it out of committee and onto the floor. In particular, there are a couple of things that need to be refined. One of those is the definition of high poverty schools. As you will notice in the legislation, it talks about 45 percent. We would appreciate if we could match up the definition of what we use in this state as high poverty schools so that there isn't any problem in that piece. There are a couple of other issues. As I said, our people are talking to your people about it. But in particular as you look in the section on where it counts in the state aid formula, our intention is not to make it count against the needs and so that you don't lose dollars in the fact that you are paying out stipends for people who are mentoring. To basically summarize, the bill is about putting a priority on the funds that are coming from the lottery right now in the Excellence to Education Act to help districts grow their own. A number of districts have started to process of growing their own teachers. The student population doesn't look like you and I anymore, and the teaching population doesn't look like you and I anymore. We need to grow our own students into the teaching profession so that students learn from teachers who look like them, come from their culture, and understand their learning processes. This is one avenue that we have to use is to prioritize some of the loan forgiveness pieces out of the lottery funds into the Education Excellence Fund. I understand that there will probably be some other testimony that maybe be from the neutral side to talk about some of those other technicalities. But I am here to assure you that the NSEA is willing to work with you in whatever manner to make this bill work for us so that we can get teachers from high poverty schools get loan forgiveness and keep them in as long as we can into high poverty schools teaching. I am one of those baby boomers and I got out of the profession early. But there's a number of us baby boomers who are leaving the profession and we need to retain and recruit new people into the profession. So I would be glad to answer any of the questions I can. If not, I will get to my people so they can get to your people. [LB529]

SENATOR RAIKES: Thank you, Jay. Questions for Jay? You know, I will ask you one because the idea of the loan forgiveness is student going through teacher training... [LB529]

JAY SEARS: Training, yes. [LB529]

SENATOR RAIKES: ...would be loaned the money to get that training... [LB529]

JAY SEARS: That's correct. [LB529]

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SENATOR RAIKES: And then once they had completed the training they were given an opportunity to not have to repay the loan financially. [LB529]

JAY SEARS: Pay the loan if they go back into a high poverty school. Yes. [LB529]

SENATOR RAIKES: But you have got \$4,800 per year for mentor teachers with more than 17 years experience. [LB529]

JAY SEARS: Yes. That piece of the bill is meant for teachers who are currently in high poverty schools to mentor new teachers coming in. [LB529]

SENATOR RAIKES: Okay. [LB529]

JAY SEARS: Yeah, and I understand that that is another one of those technicalities that we have to clarify. [LB529]

SENATOR RAIKES: So the bill would include not only loan forgiveness for teachers who have gotten loans, but also include payments for mentors. [LB529]

JAY SEARS: Right, correct. [LB529]

SENATOR RAIKES: Okay. Any other questions? Thank you, Jay. [LB529]

JAY SEARS: Thank you. [LB529]

SENATOR RAIKES: Any other proponents, LB529? Are there opponents, LB529? Neutral testimony? Marge. [LB529]

MARGE HAROUFF: (Exhibit 19) Good afternoon. It has been a long afternoon for you. I have been watching you on TV from my office most of the afternoon. Thank you, Senator Raikes and members of the Education Committee. I am Marge Harouff, administrator of adult program services in the Nebraska Department of Education. Part of my responsibility is the administration of the Attracting Excellence to Teaching Program Act, which was activated, finally, following last year's legislative session. And it was passed in 2000, I looked that up just to be sure, and is providing scholarship loans currently to 100 candidates in teacher education programs, most of whom are juniors and seniors in the program, and they are completely their programs in our 17 approved teacher institutions. We really appreciate the opportunity to finally implement a program that has been on the books since 2000 but was not funded due to the state's financial difficulties. We are concerned, however, about proposed changes to the program. As Jay said, our people will talk to your people and we hope that we can work that out. One of the proposed changes is to the high poverty definition, and Jay alluded to that. If we

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change it from 40 percent which it is currently to 45, that has a significant impact on the number of schools that represent high poverty schools that allow students when they graduate when they go into and teach and get their loans forgiven. And somewhere in this collection of things I have that number, and I believe that the 495 buildings that met the 40 percent poverty rate. When you move to 45, that took out 113 of those buildings. And that's a significant number when we are looking at school districts and buildings that are trying to attract teachers and they won't be able to attract those teachers if the teachers can't get those loans forgiven. So my plea is that you will consider moving that back to 40 percent, which is consistent with the other high poverty level percentages for other state activities. Another proposed change to the high poverty definition which I would like you to think about is that it is only for public schools. And we have in that 495 school buildings that had 40 percent or more poverty, there are 30 private schools that would also be eliminated from being legitimate employment opportunities for the new graduates who have the scholarships. There is another proposed change that I would like you to think about, and that is the priority for awarding scholarships to teacher education candidates who have graduated from a high poverty school located in Nebraska. I worry about that one because when I look at our 17 teacher education institutions, and that's a big part of what I do is to work with those 17 institutions and their candidates and we graduate approximately 1,500 new teachers every year out of those 17 institutions, a significant number of those candidates come from out of state. They come from the borders. You look at Chadron State. They get people out of Wyoming, Colorado, South Dakota, even North Dakota. The same is true for Wayne. The same is true for Peru, and then our private institutions also attract students from all over the country. And so if you limit the scholarship availability, which is in effect what you would be doing, limit that to only people who graduate from, first of all, only Nebraska schools, and secondly, only high poverty schools, we significantly narrow the candidate pool for those scholarships, and we don't think that's a good idea. I understand NSEA's perspective about wanting to have people who have been in those high poverty schools go back to work in the high poverty schools. I maintain that we spend a lot of time with those candidates giving them opportunities to work in low poverty schools. They know and understand are passionate about wanting to work with the students in those schools. I don't think we need to put that kind of a restriction on them. See if there is anything else that I forgot. I see my red light is on. I think I have covered everything there except that I want to finish by saying I think the mentor teacher supplemental composition pilot program is a wonderful idea and I hope it gets some serious consideration along with serious consideration for not messing around with the high poverty definition that we currently have in statute. And with that, I would be happy to answer any questions. [LB529]

SENATOR RAIKES: Thank you, Marge. Senator Kopplin. [LB529]

SENATOR KOPPLIN: Just trying to do some quick math in my head but if we kept this at 40 percent and if we kept that the scholarship winner had to be from a poverty

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school, you are down to a very small number of students that would return to poverty schools. Would that be correct? [LB529]

MARGE HAROUFF: Well, we may be trying to mix apples and oranges here. At the present time, there are 495 buildings that have a poverty level of their students in those buildings at 40 percent. If we raise it to 45 percent, we automatically, based on current data, we lose 113 or more of those buildings. If we limit it to public schools only, then we lose another 30. [LB529]

SENATOR KOPPLIN: But what I am getting at is if you have...did you say 1,500? [LB529]

MARGE HAROUFF: We have 1,500 students graduating every year, but we only have 100 scholarships available right now. It's supposed to go up every year and we get more money so that will increase. Eventually we get to 400 students. [LB529]

SENATOR KOPPLIN: Eventually you get to 400. Okay. [LB529]

MARGE HAROUFF: Eventually we will get to 400 out of the 1,500. But you see there are also some strong criteria in the existing Attracting Excellence to Teaching statutes. It requires a 3.0 grade point average, and I am trying to think if there is anything else. But that is a major one. So the candidates have to be in good standing, they get chosen for those scholarships by the colleges and universities that are preparing them based on grade point average, based on whether or not they are working to complete a teaching degree in one of our shortage areas. That is the second criteria. [LB529]

SENATOR RAIKES: Senator Burling has got a question. [LB529]

SENATOR BURLING: Thank you. Based on percent of student poverty determined students, couldn't a school that's on the borderline change from year to year? [LB529]

MARGE HAROUFF: Oh it does. Absolutely. [LB529]

SENATOR BURLING: So how would that work in a bill like this? [LB529]

MARGE HAROUFF: That's a very good question and I don't have a good answer. [LB529]

SENATOR BURLING: Okay. [LB529]

MARGE HAROUFF: Because I don't know whether you use the poverty rate that goes on when they are given the scholarship and if they finish and go somewhere else they may be not able to go back to the school they were in if they wanted to do that because

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they are no longer meeting that poverty level. I just believe that changing that piece of the legislation that's existing to make that a requirement is going to make it much more difficult to implement and to follow up on and to explain to the institutions and to explain to candidates. [LB529]

SENATOR RAIKES: Senator Kopplin. [LB529]

SENATOR KOPPLIN: Do our teacher training colleges have a curriculum strand that deals with just how do you work with poverty students? [LB529]

MARGE HAROUFF: They have a strand, all of them have a strand that doesn't say it quite like that, but it does talk about and students are required to have experiences in schools that represent diversity, and diversity is defined as either poverty, racial diversity, they have to have opportunities to work with students with disabilities, all of those things that you see in all schools but you frequently see more of in high poverty schools. [LB529]

SENATOR KOPPLIN: Okay. Thank you. [LB529]

SENATOR RAIKES: Marge, you mentioned the mentor program. I assume your enthusiasm for that would tail off a little bit if the money came out of the Attracting Excellence Fund. [LB529]

MARGE HAROUFF: You are very astute. [LB529]

SENATOR RAIKES: Well, you know that I have been a strong supporter of that program over all these... [LB529]

MARGE HAROUFF: Yeah right. But as I understand it, the legislation does not suggest that it come out of the lottery money, does it? [LB529]

SENATOR RAIKES: No, it doesn't. There's a fiscal note. [LB529]

MARGE HAROUFF: I didn't think so. So I am okay with it. [LB529]

SENATOR RAIKES: Have you had any experience yet. I mean, suppose I am teacher and I qualify maybe not through the poverty program but I am one of the 100, and I get a really good offer from another state at the end of my career and so away I go. [LB529]

MARGE HAROUFF: At the end of your career or at the end of... [LB529]

SENATOR RAIKES: At the end of my teaching training career. [LB529]

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MARGE HAROUFF: Then you pay back the loan. [LB529]

SENATOR RAIKES: Are you going to chase off to... [LB529]

MARGE HAROUFF: Yes we are. [LB529]

SENATOR HOWARD: Personally. [LB529]

SENATOR RAIKES: How are you going to do that? [LB529]

MARGE HAROUFF: I have a staff member who spends not an insignificant amount of her time doing follow up along with our financial department and the legal department in the Department of Education following up on people who have reneged on their Stafford Loans and on their Paul Douglas Loans, and those are federal loans. But the states are the ones who get the responsibility for seeing that the money gets paid back, and I will tell you that Sherri Muehling has done an absolutely masterful job of taking a list of more than 50 people who were way, way overdue on paying back their loans five years and we are down to I think three now. They have all been paid off. So we will find you. [LB529]

SENATOR RAIKES: It's making me nervous. [LB529]

MARGE HAROUFF: Well, if you have a loan to pay off for a teacher education preparation then I guess... [LB529]

SENATOR RAIKES: (See also Exhibit 27) I wish it was that small. I really do. I don't see any other questions. Thank you, Marge. Any other neutral testifiers? I don't see any other neutral and the close has been waived. So we are finished with LB529 and now we are moving to LB193. Senator Howard. [LB529]

SENATOR HOWARD: (Exhibit 20) Thank you, Senator Raikes, and members of the Education Committee. I am Senator Gwen Howard. I represent District 9 in Omaha. I am here today to introduce LB193, which would create a teaching specialization for those who wish to be certified to teach students from birth to age five, and I promise you a light at the end of the tunnel. We can make no better investment than by investing in early childhood education. I believe we need to move forward in how we educate those who teach our children during these early years. The Nebraska Department of Education's early childhood policy study listed as a priority for quality best practices that Nebraska require highly qualified staff with current knowledge to implement early childhood programs for children from infancy through third grade. The same report stated teachers with early childhood endorsements are not uniformly available throughout the state and professionals who work with young children are undervalued by society. Over the past few years, there has been an increasing emphasis on early

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childhood education in this state. Last year, voters approved a constitutional amendment allowing the creation of the Early Childhood Endowment for the youngest at-risk children. As we see more early childhood programs being established, we are going to need more qualified teachers in these classrooms. The time has come for our teacher education institutions to exam how we are training these early childhood teachers. Nebraska has a unique opportunity to be a leader in early childhood education. Under the stewardship of our good Senator Raikes, we have been making tremendous progress... [LB193]

SENATOR RAIKES: Political. [LB193]

SENATOR HOWARD: ...honest...in this area of education by recognizing the professionalism and specific qualifications of early childhood teachers. We provide our children with highly qualified teachers specially trained to teach them. As this committee may remember, I have introduced previous bills before regarding early childhood teaching. Over the past year, I have been in discussion with the State Board of Education, the Department of Education and early childhood professionals about what is the best way to provide highly qualified, well-trained teachers in our early childhood classrooms. I want to thank everyone involved in these discussions for their willingness to listen to all points of view and to work together on what I believe is a positive resolution. Through our discussions, it was determined that we can accomplish a new early childhood teaching program through changes in Rule 20 which would go through the State Board of Education rather than putting it in statute. Once this rule change is made, the University of Nebraska at Lincoln is prepared to begin a pilot program for students wishing to focus on early childhood education. It is hoped that this program at UNL can be available for enrollment by the fall of 2008. For that reason, I would ask the Education Committee to place LB193 on hold following testimony of this hearing. Again, I appreciate all of the hard work that has been done by everyone involved, and I thank Marge. I don't know if she has left but she certainly was instrumental in this. This is truly a noble example of how our government can work together to find a solution that benefits all of the children in our state, and I thank you for your interest in early childhood education and obviously can waive closing. [LB193]

SENATOR RAIKES: Okay. Thank you, Senator. Any questions for Senator Howard? [LB193]

SENATOR HOWARD: And had one handout, if we have a page left. [LB193]

SENATOR RAIKES: We still do. Thank you. Are there any proponents? Opponents? Jay. [LB193]

JAY SEARS: (Exhibit 21) Good afternoon. Is it almost evening, Senator Raikes, and members of the committee? You could qualify this testimony as opposing positively. For

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the record, I am Jay Sears, S-e-a-r-s, and I represent the Nebraska State Education Association. And I want to thank Senator Howard for bringing forth the legislation last year and again this year looking at early childhood education certification processes, and I am glad that you were able to sit down with the Department of Ed and work out a mutually agreeable process. The reason NSEA opposed the legislation in the first place was putting in statute a process that can be taken care of by rule and regulation and by the bodies that are involved in the process of looking at endorsements is our main reason for looking at that. And I understand I was before this committee and supported Senator Howard's legislation last year to look at a full-blown endorsement in birth to age five, and we took it to the Nebraska Council on Teacher Ed, which I mentioned in my testimony, and unfortunately, we couldn't get it past those people. And so I can assure you that when Rule 20 comes again and we have an opportunity to speak at the Nebraska Council on Teacher Ed next Friday, I am going to be supporting the process that you put in place. So, again, thank you for your diligence on early childhood education. It's a passion of mine also. [LB193]

SENATOR RAIKES: Thank you, Jay. [LB193]

JAY SEARS: With that, let's go home. [LB193]

SENATOR HOWARD: That is the nicest opposition I think I have heard. [LB193]

SENATOR AVERY: I have one quick question. [LB193]

SENATOR RAIKES: Mark that down. We got a question though. This is going to get ugly now. [LB193]

SENATOR AVERY: Is it usual practice to specify in statute how many hours would be required? [LB193]

JAY SEARS: No. The process in Nebraska is through rule and regulation through the Department of Education and adopted by the State Board of Education. And so endorsements are looked at by people in the profession, experts in the area of the content area and then it's decided how many hours and what types of outcomes we want from that program, and so that sets the number of hours. To my knowledge, I don't know that there's anything in statute about how many hours it takes for an endorsement. That's left to the bodies. [LB193]

SENATOR AVERY: But there is language in here that would save 15-18 credit hours. [LB193]

JAY SEARS: Right, and that's why NSEA opposed that. [LB193]

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SENATOR AVERY: Any let me ask you about the content of those credit hours. That's left up to the teacher's college at UNL? [LB193]

JAY SEARS: That is left up to the State Board of Education to adopt the endorsements. Endorsements are curriculum and study for the content area. So, for example, I am a history teacher and to get a history endorsement, I had to follow so many credit hours in American history, so many credit hours in European, etcetera, and so it's left up to the bodies that are the content specialists at the college level to look at what does it take to have a program of study. And usually those endorsements, for example, a history endorsement might be close to 36 hours because that is a major in most universities or colleges, so that... [LB193]

SENATOR AVERY: And so Rule 20 regulates this? [LB193]

JAY SEARS: Rule 21 regulates certification. Rule 24 will regulate the endorsement process. Rule 20 regulates the directions toward the colleges and teacher education institutions about the programs that they develop. [LB193]

SENATOR AVERY: So you do work closely with the teachers college? [LB193]

JAY SEARS: Yes. [LB193]

SENATOR AVERY: Okay. Thank you. [LB193]

JAY SEARS: Sure. [LB193]

SENATOR RAIKES: Any other questions for Jay? Don't see any, thank you. [LB193]

JAY SEARS: I will be here tomorrow. [LB193]

SENATOR RAIKES: Let's see, we are on LB193. Was that an opponent? That was an opponent. Any other opponents? Neutral? [LB193]

MARGE HAROUFF: (Exhibit 22) I just won't let you go home, but I am as eager to go home as you are. Well, needless to say, thank you. I am still Marge Harouff, H-a-r-o-u-f-f, administrator of adult program services in the Nebraska Department of Education. Part of my responsibility is the approval of teacher education programs. I am here on a neutral basis today to thank Senator Howard for here commitment to early childhood education and to provide a little history on LB193. During the 2006 legislative session as you have already heard, she introduced a bill to create a teacher preparation program specifically for those who wish to teach children birth to age five. We don't like to have those kinds of things in statute because you have already heard we have rules that can address those things, we think, far more effectively and they are easier to

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change than statutes are. The Department of Education and its advisory council, the Nebraska Council on Teacher Education, which Jay alluded to a minute ago, struggled with the concepts in that bill. Our struggles were primarily with placing a requirement for teaching endorsement in statute when we have a process in place, and we also struggles with the realities of an endorsement that was narrow in scope and was limited to working with children birth through age five. During the time between the legislative sessions, however, we have explored options concerning her interest in the endorsement, and we have determined that we needed a process that would allow us to try an endorsement without it being in statute and without it being in rule. So we created a set of criteria, and that is what you see in this bill. We shared that criteria with Senator Howard and she thought we were suggesting it as a bill, which we weren't, but that's okay. It got us to where we need to get to. So what we will now have in the next draft of Rule 20, which as Jay has already indicated, is going to go before the Nebraska Council on Teacher Education this Friday. It will now have a proposed place in that rule that allows for a special authorization for a program for which an institution believes there is a need but we don't have documented needs statewide. And so if they present the plan to the department, we review it and it appears to have good documentation and appears to be reasonable, then the commissioner can grant them a special authorization to try the program in rural students in the program to become teachers in that content area, and we will give it five years or so to see how it works. And then if it looks like it works, then we will take that program and we will establish a review committee, like we always do when we review endorsements, and the Nebraska Council on Teacher Education will then move it through the regular process, which is how things end up in Rule 24, Rule 20, and Rule 21, all of which I get to work with. So, we believe the process that has been proposed will be very useful to us and in fact the dialogue has been so useful that I believe UNL, as Senator Howard already said, will be ready to go with a plan for a birth through age five endorsement at the start of the next school year. [LB193]

SENATOR RAIKES: Okay. Thank you, Marge. Questions? Don't see any. Thank you, Marge. [LB193]

MARGE HAROUFF: Ready to go home? [LB193]

SENATOR HOWARD: Thank you, Marge. [LB193]

MARGE HAROUFF: Thank you. [LB193]

SENATOR RAIKES: Any other neutral testimony? Senator Howard has waived closing so that will close the hearing on LB193 and our hearings for the day. Thank you. [LB193]

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Disposition of Bills:

LB193 - Held in committee.
LB353 - Indefinitely postponed.
LB529 - Indefinitely postponed.
LB615 - Indefinitely postponed.
LB653 - Advanced to General File, as amended.

Chairperson

Committee Clerk